United States Court of Appeals

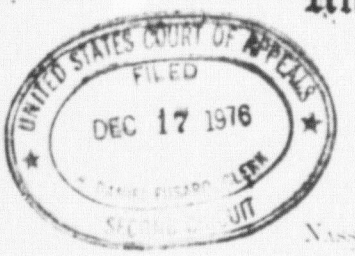
for the Second Circuit

JOINT APPENDIX

76-7003 & 76-7522

United States Court of Appeals

For the Second Circuit.



MARGARET TOWNSEND,

Plaintiff-Appellee,

against—

NASSAU COUNTY MEDICAL CENTER; DOCTOR DONALD H. EISENBERG, SUPERINTENDENT, NASSAU COUNTY CIVIL SERVICE COMMISSION; GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, EDWARD A. SIMMONS, ADELE LEONARD, Executive Director of NASSAU COUNTY CIVIL SERVICE COMMISSION; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the NEW YORK STATE CIVIL SERVICE COMMISSION and head of the NEW YORK STATE CIVIL SERVICE DEPARTMENT,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JOINT APPENDIX.

JAMES M. CATTERSON, JR.
County Attorney of Nassau County
Attorney for
Nassau County Defendants-Appellants
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73 Main Street
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PAGINATION AS IN ORIGINAL COPY

RALPH G. CASO
COUNTY EXECUTIVE

JAMES M. CATTERSON, JR.
COUNTY ATTORNEY

BURTON S. JOSEPH
CHIEF DEPUTY COUNTY ATTORNEY

NATALE C. TEDONE
SENIOR DEPUTY COUNTY ATTORNEY
APPEALS DIVISION

COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY
NASSAU COUNTY EXECUTIVE BUILDING
MINEOLA, NEW YORK 11501
516 535-2990

December 30, 1976

Clerk of the Court
Court of Appeals, Second Circuit
U. S. Courthouse
Foley Square
New York, New York 10007

Re: Margaret Townsend v. Nassau County Medical Center, et al. (#76-7522)

Dear Sir:

As per your request for clarification of copies of "Defendant's Exhibit A" as they appear in the Appendix at pages 374, 375, 376, 379, 380 and 381, enclosed please find ten (10) copies of pages 375A and 376A. Enclosed as well please find a copy of pages 375A and 376A which this office made directly from the original exhibit on the copying machine at the Eastern District Clerk's Office.

A copy of page 374A has already been made and appears in the Appendix as page 372A. Through an error of some kind, the printer, while preparing the Appendix, made an offset copy of the questionnaire of George Davis, Senior Microbiologist (372A) from a very poor original copy (enclosed herewith) and this poor reproduction appears at page 374A. It is the same questionnaire as appears on page 372A in much clearer form.

Appendix page 379A is a very poor reproduction of the first page of the questionnaire filled out by Carolyn Sickles, a microbiologist. It is the very same questionnaire as appears clearly at page 377A. Appendix pages 380A and 381A are identical to one another and are one and the same as page 378A which appears in the Appendix in clear form.

It appears that other poor reproductions of "Defendant's Exhibit A" that appear in the Appendix (e.g. pps. 385-86, 390-91) are only duplicates of clear copies of the questionnaires that precede them. While we were making copies of the numerous exhibits at the Eastern District Clerk's Office for reproduction in the Appendix, some of those copies turned out poorly, and although we made clear copies of the same exhibits as well as the poor copies, through some oversight the printer received both clear and poor copies of the very same questionnaires. Naturally, the printer reproduced everything he received.

Appellants ask your kind indulgence in this matter and apologize for any mix-up which has occurred as a result of the above mentioned oversight. Thank you very much for your courtesy in this matter.

Very truly yours,

JAMES M. CATTERSON
County Attorney

By: Matthew Tedone
Matthew Tedone
Law Clerk

MT:mh
Encls.

cc: McEvily, Gradess & Kluewer
73 Main Street
Hempstead, New York 11550
c/o Community Legal Assistance Corp.

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RELEVANT DOCKET ENTRIES

DOCKET/CASE NO.	YR.	DOCKET NUMBER	FILING DATE DAY	YEAR	J	N/S	O	R	JR	S	DEMAND	OTHER	JUDGE NUMBER	JURY DEM	DOCKET YR	NUM
207/1/	75	294	02	26	75	3	442	APPEAL					0715		WEINST	

TOWNSEND, MARGARET

NASSAU COUNTY MEDICAL CENTER:

MARGARET TOWNSEND

NASSAU COUNTY MEDICAL CENTER:
DR. DONALD H. EISENBERG, Superintendent
NASSAU COUNTY CIVIL SERVICE COMMISSION
GABRIEL KOHN, Chairman; EDWARD S.
WITANOWSKI, EDWARD A. SIMMONS, ADELE
LEONARD, Executive Director of Nassau
CIVIL SERVICE COMMISSION; NEW YORK STATE
DEPARTMENT OF CIVIL SERVICE; ~~ESRA H.
POST-H, President of the New York State
Civil Service Commission and head of the
New York State Civil Service Department~~
4-18-75

CAUSE

28:1343
CIVIL RIGHTS
JOB DISCRIMINATION
PLTFF FILES EDUCATIONAL AND TESTING REQUIREMENTS DISCRIMINATORY AGAINST EXPERIENCE ACQUIRED BY PLTFF

ATTORNEYS

For Pltff:
Spizz and McEvily
Community Legal Assistance Corp.
73 Main Street
Hempstead, N.Y. 11550
(516) 489-4226

For NASSAU COUNTY MEDICAL CENTER, et a
John F. O'Shaughnessy
Nassau County Executive Building
Mineola, N.Y. 11501
(516) 535-2990

BEST COPY AVAILABLE

CHECK HERE CASE WAS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED

75C 294 2A

MARGARET TOWNSEND VS NASSAU COUNTY MED. CENTER

DATE	NO.	PROCEEDINGS
2/26/75		Complaint filed- Summons Issued (1)
3/28/75		ANSWER of defts Nassau County Med. Center ,Dr. Donald H. Eisenberg, et al filed. (2)
3-31-75		Notice of motion ret. 4-15-75 for an order dismissing the complaint against defts NYS Dept of Civil Service & Ersa H. Posten & memo of law in support of motion filed. (3/4)
4-11-75		Memorandum of law filed. (5)
4-11-75		Affidavit of Harvey H. Spizz filed. (6)
4-11-75		Affidavit of service by mailed filed. (7)
4-14-75		By WEINSTEIN, J.-Stipulation dtd 4-14-75 extending time for defts to answer to 4-1-75 filed. (8)
4-15-75		Before WEINSTEIN, J.--Case called. Motion by state to dismiss as to state defts. is granted. So ordered.
4-17-75		Copy of letter from Sheila Derman dtd 4-16-75 filed. (9)
4-18-75		By WEINSTEIN, J.-Order dtd 4-17-75that the complaint against the New York State Dept. of Civil Service and Ersa H. Posten be dismissed. (p/c mailed to attys)
4-30-75		Notice of motion for preliminary injunction ret 5-7-75 filed. (10)
5/9/75		Before WEINSTEIN,J.- Case called- Pltff's motion for preliminary injunction, etc. argued and denied-So ordered
5-10-75		By WEINSTEIN, J.-Civil pretrial order dtd 5-9-75 filed. (12)
5-23-75		Summons ret and filed/executed. (13)
7/25/75		Letter dated 7/9/75 filed from H. Spizz to J. Weinstein. (14)
7/25/75		By WEINSTEIN,J,- Order dated 7/21/75 filed that this case is adjd to 9/18/75 at 2100 . Copy of Order mailed to the attys.(On Doc. #14)
7/31/75		Before WEINSTEIN,J.- Case called- Adjd to Sept. 18, 1975 at 2:00 P.M. for trial at the request of pltff
9-10-75		Notice of motion to consolidate this action with 74C 904 ret 9-11-75 filed in 74C 904. --
9/13/75		Memorandum in Opposition to Motion to Consolidate filed in 74 C 904 (as Doc. # 19) --
9-18-75		Affidavit of James N. Gallagher filed. (15)
9/22/75		By DOOLING,J.- Order dated 9/16/75 filed permitting Lynne Winograd to assist H. Spizz ,etc. (16)
9-22-75		Before WEINSTEIN, J. - Case called. Trial ordered and begun. Trial continued to 9-23-75 at 10:20 A.M.
9-23-75		Before WEINSTEIN, J.--Case called. Trial resumed. Deft's motion to dismiss argued. Judgment reserved. Trial cont'd to 9-24-75.
9-24-75		Before WEINSTEIN, J.- Case called. Trial resumed. Trial concluded. Decision reserved. Pltff to have two weeks to submit post-trial brief; deft has one week to respond.
10/9/75		Stenographer's transcript of 9/24/75 filed. (17)
10/7/75		Letter dated 10/6/75 filed from H. Spizz to J. Weinstein. (18)
10/9/75		By WEINSTEIN,J.- Order dated 10/8/75 filed that the pltff is granted a two week extension to file post trial brief ,etc (18)
11-[illegible]-75		Memorandum on behalf of Nassau County Defts filed. (19)
12-8-75		By WEINSTEIN, J. - Memorandum and Order dtd 12-8-75 that pltff is entitled to back pay, etc. filed.(p/c mailed to attys). (20)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 75C 294
MARGARET TOWNSEND	NASSAU COUNTY MEDICAL CENTER	PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS	
2-22-75		Letter dtd 12-19-75to J. Weinstein from Harvey W. Spizz filed.	21
2-22-75		By WEINSTEIN,J.-Order dtd 12-22-75 granting the additional ten days to submit an affidavit filed. See bottom of Doc.#21-	-
2/2/76		NOTICE OF APPEAL FILED. Duplicate mailed to C of A. & pltff. C & D mailed to defts.	(22)
1-2-76		Affidavit of Harvey W. Spizz filed re: atty's fees.	(23)
1-16-76		Affidavit of Margaret Townsend in response to affidavit of Ronald J. Levinson filed.	(24)
1-21-76		Letter dtd 1-19-76 to J. Weinstein from Harvey W. Spizz filed.	(25)
1-21-76		By WEINSTEIN,J. Order dtd 1-21-76 that the hearing will be held 1-28-76 filed on document #25.	---
1-28-76		Before WEINSTEIN,J.-Case called. Hearing on back pay and attys fees adj'd w/o date.	
1-30-76		Certified copy of stipulation from C of A withdrawing the appeal filed.	(26)
2-17-75		By WEINSTINE,J.- Order dtd. 2-14-76 stating salary in back pay owed to pltff. by deft filed.	(27)
2-25-76		Sten. transcript dtd. 9-23-75 and 9-24-75 filed.	(28/29)
2-26-76		Stenographer's transcri pt dtd 9-22-75 filed.	(30)
2-27-76		Affidavit of Ronald J. Levinson filed.	(31)
2-27-76		By WEINSTEIN,J-JUDGMENT dtd 2-26-76 that pltff must be reclassified as a provis onal Medical Technologist I retroactive to 12-31-73 etc filed. ($4,682.18 back pay)	(32)
2-27-76		Affidavit of James N. Gallagher filed.	(33)
3-10-76		Notice of appeal filed. Copy mailed to C of A and pltff's atty.	(34)
3/15/76		Affidavit of Ronald Levinson filed	(35)
3-23-76		Notice of Motion ret. 3-26-76 for an order pursuant to Rule 62 of F.R.C.P. and Rule 8 F.R.A.P. granting defts stay of judgmant dtd 2-26-76,etc. filed.	(36) (cg)
3-25-76		PLNTFF's AFFIDAVIT in opposition to Deft's Motion for a Stay of Judgment filed.	(37) (cg)
3-29-76		Letter frmom James Gallagher to Judge Weinstein dtd. 3-24-76 filed.	(38)
3-29-76		By WEINSTEIN,J.- Order dtd. 3-26-76 that motion rrt. 3-26-76 be marked submitted filed. on doc.# 38	---
3-29-76		By WEINSTEIN,J.- Order dtd. 3-26-76 deyning defts stay of the judgment filed.on pg.2 of doc.# 36.	---
3-30-76		Above record certified and sent to the Court of APPEALS(	
4-9-76		Acknowledgment rec'd from C of A for receipt of record on appeal & filed.	(39)
5/3/76		Satisfaction of Judgment filed.	(40)
7-8-76		Copy of mandate from C of A vacating and remanding the case fo reconsideration in the light of Washington vs. Davis filed.	(41)
7-12-76		By WEINSTEIN,J-Memorandum & Order dtd 7-7-76 re argument on 9-24-76. Copies mailed to Counsel.	(42)

M. DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ___ OF ____ PAGES

DATE	NR.	PROCEEDINGS	
7-15-76		Certified copy of order from the C of A vacating the judgment and remanding case for reconsideration filed.	(43)
7-19-76		Record received from the C of A. Acknow. mailed.	---
-14-76		Brief for pltff filed.	(44)
9-24-76		Letter dtd. 9-22-76 from S. Kluewer with statement forstudent practice rule for D. Clear filed.	(45)
9-24-76		Before WEINSTEIN,J.- Case called for Court to reconsider its decision. Motion argued. Thhe Court confirms its findings of fact and judgment. Judgment ot be submitted 9-27-76	
9-28-76		By WEINSTEIN,J-JUDGMENT dtd 9-27-76 that the original judgment in favor of the pltff dtd 2-26-76 is confirmed.	(46)
0-18-76		Notice of entry filed.	(47)
0-20-76		Notice of appeal filed. Copy mailed to the C of A.	(48)
0-28-76		Bond for undertaking for costs onappeal filed.	(49)

4A

SUMMONS IN A CIVIL ACTION — SUMMONS — (formerly D. C. Form No. 45a Rev. [illegible])

United States District Court

FOR THE

EASTERN DISTRICT OF NEW YORK

CIVIL ACTION FILE NO. 75-C-294

MARGARET TOWNSEND,

Plaintiff

-v-

NASSAU COUNTY MEDICAL CENTER: DOCTOR DONALD H. EISENBERG, SUPERINTENDENT, NASSAU COUNTY CIVIL SERVICE COMMISSION: GABRIEL KOHN, Chairman: EDWARD S. MITANOWSKI, EDWARD A. SIMMONS, ADELE LEONARD, Executive Director of NASSAU COUNTY CIVIL SERVICE COMMISSION; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the NEW YORK STATE CIVIL SERVICE COMMISSION and head of the NEW YORK STATE CIVIL SERVICE DEPARTMENT,

Defendant s

SUMMONS

To the above named Defendant :

You are hereby summoned and required to serve upon HARVEY W. SPIZZ, ESQ.

plaintiff's attorney , whose address is Community Legal Assistance Corporation, 70 Main Street, Hempstead, New York.

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

(S) Lewis Orgel
Clerk of Court.

(S) Stuart Grossman
Deputy Clerk.

[Seal of Court]

Date: February 26, 1975

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COMPLAINT 5A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARGARET TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY MEDICAL CENTER; DR. DONALD H. EISENBERG, Superintendent, NASSAU COUNTY CIVIL SERVICE COMMISSION; GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, EDWARD A. SIMMONS, ADELE LEONARD, Executive Director of Nassau County Civil Service Commission; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the New York State Civil Service Commission and head of the New York State Civil Service Department,

Civil Action No.

COMPLAINT

Nature of the Proceeding

privileges and immunities secured by the Thirteenth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. §§ 1981 and 1983 and Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et seq.) as amended. Plaintiff's complaint is that arbitrary determination of job qualifications by defendants Nassau County Medical Center, Nassau County Civil Service Commission, New York State Department of Civil Service and New York State Civil Service Commission has the purpose and effect of discriminating against plaintiff on the basis of her racial and cultural background.

Plaintiff complains that the arbitrary determination by defendants of educational qualifications as a requirement for taking an examination for a job is in direct violation of 42 U.S.C. 1320 a-2 (a).

Plaintiff further complains that the actions of the named defendants are in violation of the rules and regulations of the New York State Civil Service Law, Article II, Title-A §6 and of the Constitution of the State of New York, Article Five, §6.

The determination of educational qualifications in order to qualify for the opportunity to take an examination has resulted in discrimination and arbitrariness in the selection of persons for appointment and/or promotion to permanent positions with the Nassau County Medical Center and arbitrary and discriminatory demotion and/or discharge of persons previously employed by this agency, including the plaintiff.

This proceeding seeks the declaratory judgment that defendants' practices violate the Constitution and laws of the United States as well as the Constitution and laws of the State of New York. Plaintiff further seeks preliminary and permanent relief enjoining defendants from continuing to violate the rights of plaintiff as well as relief from defendants' past violations of these rights.

I. Jurisdiction

1. This is a civil action to redress the deprivation by defendants, acting under the color of state law, of the rights, privileges and immunities of plaintiff secured by the Thirteenth and Fourteenth Amendments to the Constitution of the United States, and 42 U.S.C. §§ 1981 and 1983, and Title VII of the Civil Rights Act of 1964, (42 U.S.C. §§2000-e et seq.) as amended.

This is an action, as well, to enjoin violation by defendants of 42 U.S.C. 1320 a-2 (a) and New York State Civil Service Law, Article II, Title-A, Section 6 and of Article Five, Section 6 of the Constitution of the State of New York.

Plaintiff seeks injunctive relief to restrain defendants from pursuing and continuing to pursue the unlawful employment practices described below. The plaintiff also seeks back pay as a result of the unlawful termination of her employment as more fully described below.

2. The Court has jurisdiction of this action pursuant to 28 U.S.C. §1331 and 1343 (3) and (4) and 42 U.S.C. §2000e (5) f. The amount in controversy exceeds $10,000.

Under the doctrine of pendent jurisdiction, Rule 18 (a) of the Federal Rules of Civil Procedure the Court has jurisdiction of the action under New York State Civil Service Law and the Constitution of the State of New York.

The Court has authority to grant the declaratory relief requested under 28 U.S.S. §2201 and 2202 since there is an actual controversy between the parties, as appears hereinafter.

II. Parties

3. Plaintiff MARGARET TOWNSEND is a citizen of the United States and a resident of Nassau County. She is Black. She applied for and at one time held the provisional position of "Lab Technologist I" with the defendant Nassau County Medical Center. In 1967 she was promoted to the provisional position of Medical Technologist I". In 1971 she filed for and was allowed to take an examination for permanent appointment to the position of "Medical Technologist I and II". She did not pass that examination but was allowed to retain her provisional position of "Medical Technologist I". She was promoted to supervising positions. In 1973 her application to take an examination for permanent appointment to 'Medical Technologist I and II" was denied and her employment with defendant Nassau County Medical Center was terminated as a result of failure to meet

minimum requirements established in the interim for the position of Medical Technologist.

Defendants

4. Defendant Nassau County Medical Center (hereinafter "medical center") an agency of Nassau County located in East Meadow, New York, is Nassau County's public general hospital and offers a variety of health services to the general public.

5. Defendant Donald H. Eisenberg is superintendent of the medical center, resides in East Meadow, New York and is responsible for the direction and supervision of the medical center.

6. Defendant Nassau County Civil Service Commission (hereinafter "commission") is a department or agency of Nassau County with offices in Mineola, New York. The commission administers the provisions of the New York State Constitution relating to civil service matters and the Civil Service Law, as well as its own rules and regulations, for all government exmployees of the county. The commission is responsible for the preparation, administration and relief of examinations, establishing and processing lists of eligibles for employment, review of all candidates for employment and maintenance of official employee roster records.

7. Defendant Adele Leonard is a resident of Mineola, New York and is the Executive Director of the Commission with responsibility for its administration.

8. Defendant Gabriel Kohn, a resident of East Williston, Long Island is chairman of the Civil Service Commission.

9. Defendant Edward A. Simmons is a Commissioner of the Commission and a resident of Great Neck, Long Island.

10. Defendant New York State Department of Civil Service is a department of New York State with offices in Albany, New York. The

department pursuant to Civil Service Law section 23 (2), provides examination services to municipal commissions including the preparation construction and rating of examinations.

11. Defendant New York State Civil Service Commission is a department of New York State with offices in Albany, New York. The Commission pursuant to Civil Service Law Section 23 (2) provides examination services to municipal commissions including the preparation construction and rating of examinations.

12. Defendant Esra H. Posten is President of the New York State Civil Service Commission and head of the New York State Civil Service Department and is a resident of Albany, New York.

13. At all times relevant hereto each of the defendants has acted under color of the statutes, ordinances, regulations, customs and usages of the State of New York and of Nassau County.

Facts

14. Plaintiff was hired by the defendant Nassau County Medical Center June 22, 1965 for the provisional position of "lab technologist II". She was subsequently promoted to the provisional position of "Medical Technologist I". She became an Assistant Supervisor and then a Supervisor. Her competency, thoroughness and accuracy in the performance of her duties as well as her excellent comprehension and knowledge of her field were noted by her supervisor.

15. Plaintiff applied for and was allowed to take the examination for permanent appointment to position of "Medical Technologist I and II" in 1971. She failed the examination but retained her position.

16. In 1973 plaintiff's application to take the "Medical Technologist I and II" examination, numbers 64-437, 64-439 was rejected because she

failed to meet newly promulgated minimum requirements for these positions. The requirements, established by defendant Nassau County Civil Service Commission are either possession of a Bachelor of Science degree from an accredited college or institution, or certification by the American Society of Clinical Pathologists (ASCP) who also require a Bachelor of Science degree. Plaintiff does not meet those requirements.

17. Because plaintiff did not meet those newly established requirements, her eight and one-half year employment with defendant Nassau County Medical Center was terminated as of December 31, 1973.

18. Defendants Medical Center and the Commission subsequently offered plaintiff re-employment at the same job at a much decreased salary level. Plaintiff contends that this action on the part of defendants indicates

1) that she is qualified for the job and,

2) the drastically reduced salary for the same job is indicative of the discriminatory intentions of the defendants.

19. Plaintiff filed a formal complaint against the defendants with the Human Rights Commission, February 26, 1974.

20. Plaintiff filed a formal complaint against the defendants with the Equal Employment Opportunity Commission, March 6, 1974.

21. The statutory 180 days expired August 26, 1974 without successful resolution of plaintiff's claim through the federal and state agencies.

22. Plaintiff received a Right to Sue Letter from the Department of Justice, December 6, 1974.

23. Plaintiff alleges that the requirements newly promulgated by the defendants Commission and New York State Department of Civil Service unlawfully favors white persons and tends to unlawfully exclude,

Black persons. Such procedures have denied plaintiff, regardless of race, equal employment opportunties which include, but are not limited to the following:

a) requirement of use of written examinations as the sole criteria for promotion and hiring;

b) requirement of Bachelor of Science degree to be eligible to take the written examinations.

Violations of Law

24. The violations and practices described above constitute violations of plaintiff's rights, privileges and immunities secured by the Thirteenth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. §§ 1981, 1983, 42 U.S.C. §§2000-e et seq. as amended.

The practices described above constitute, as well, violations of 42 U.S.C. 1320 a-2 (a) and of the rules and regulations of the New York State Civil Service Law, Article II, Title-A, Section 6 and of the Constitution of the State of New York, Article Five, Section 6.

25. The policies and practices described above violate the rights of plaintiff under the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States not be denied employment by state and local governments on grounds which are arbitrary and capricious.

26. Plaintiff has been, is and will continue to be irreparably injured by the unlawful practices of defendants, and has no adequate remedy at law.

Relief Requested 12A

WHEREFORE, plaintiff requests relief as follows:

A. In order to prevent continuing irreparable injury to plaintiff plaintiff requests the Court to grant preliminary relief,

1. requiring defendant County to offer plaintiff the position plaintiff held prior to receiving the notice described in paragraph 17 above along with full back pay and seniority rights;

2. enjoining defendants County from hiring or promoting any persons for the position of "Medical Technologist I" either from eligibility lists for that position currently in force or from other sources than the plaintiff;

3. enjoining defendants from taking any action which would have the effect of denying, abridging, withholding, conditional or otherwise interfering with the rights of plaintiff to equal employment opportunities pending the outcome of this litigation.

B. Permanent Relief

In order to remedy the effects of past discrimination against plaintiff and to prevent further discrimination, plaintiff requests the Court to grant permanent relief,

1. making the preliminary relief requested in A above permanent;

2. declaring that the recruitment, hiring and promotion practices of defendants as set forth herein violate plaintiff's rights to equal employment opportunity;

3. retaining continuing jurisdiction of this case until such time as defendants comply with the provisions of Constitutions and Statutes referred to herein;

4. granting plaintiff her costs in this action and

reasonable attorney's fees;

5. granting such other and further relief as may seem just and proper.

Dated: February 25, 1975

SPIZZ & MC EVILY
Attorneys for Plaintiff
Community Legal Assistance Corp.
73 Main Street
Hempstead, New York 11550
(516) 489-4226/7

ANSWER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- X

MARGARET TOWNSEND

Plaintiff

-against-

Civil Action
File No. 75C 294

NASSAU COUNTY MEDICAL CENTER; DR. DONALD H. EISENBERG, Superintendent, NASSAU COUNTY CIVIL SERVICE COMMISSION; GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, EDWARD A. SIMMONS, ADELE LEONARD, Executive Director of Nassau County Civil Service Commission; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the New York State Civil Service Commission and head of the New York State Civil Service Department

ANSWER

Defendants

- X

The defendants, NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent, NASSAU COUNTY CIVIL SERVICE COMMISSION, GABRIEL KOHN, Chairman, EDWARD S. WITANOWSKI, EDWARD A. SIMMONS, and ADELE LEONARD, Executive Director of Nassau County Civil Service Commission, appearing herein by their attorney, JOHN F. O'SHAUGHNESSY, County Attorney of Nassau County, answering the complaint herein, respectfully allege as follows:

AS TO THE ALLEGATIONS CONCERNING JURISDICTION CONTAINED IN COUNT I, DEFENDANTS ALLEGE AS FOLLOWS:

FIRST: Upon information and belief, deny each and every allegation contained in paragraphs numbered "1" and "2" of the complaint, except leave for construction by the Court the conclusions of law alleged therein.

AS TO THE ALLEGATIONS CONCERNING PARTIES CONTAINED IN COUNT II, DEFENDANTS ALLEGE AS FOLLOWS:

SECOND: Upon information and belief, deny each and every allegation contained in paragraph numbered "3" of the complaint.

AS TO THE ALLEGATIONS CONCERNING DEFENDANTS CONTAINED IN COUNT (UNNUMBERED), DEFENDANTS ALLEGE AS FOLLOWS:

THIRD: Upon information and belief, deny each and every allegation contained in paragraph numbered "6" of the complaint, except leave for construction by the Court the conclusions of law alleged therein.

FOURTH: Upon information and belief, deny each and every allegation contained in paragraph numbered "7" of the complaint, except admit that defendant, ADELE LEONARD, is the Executive Director of the Commission.

FIFTH: Upon information and belief, deny each and every allegation contained in paragraph numbered "8" of the complaint, except admit that defendant, GABRIEL KOHN, is chairman of the Civil Service Commission.

SIXTH: Upon information and belief, deny each and every allegation contained in paragraphs numbered "10", "11" and "13" of the complaint, except leave for construction by the Court the conclusions of law alleged therein.

SEVENTH: Deny that they have any knowledge or information thereof sufficient to form a belief as to each and every allegation contained in paragraph numbered "12" of the complaint.

AS TO THE ALLEGATIONS CONCERNING FACTS, DEFENDANTS ALLEGE AS FOLLOWS:

EIGHTH: Upon information and belief, deny each and every allegation contained in paragraph numbered "16" of the complaint, except admit that in 1973 plaintiff's application to take the "Medical Technologist I and II" examination, numbers 64-437, 64-439, was rejected because she failed to meet the minimum requirements for these positions. The requirements establishe by defendant, Nassau County Civil Service Commission, are either possession of a Bachelor of Science degree from an accredited college or institution or certification by the American Society

of Clinical Pathologists (ASCP) which also requires a Bachelor of Science degree. Plaintiff does not meet those requirements.

NINTH: Upon information and belief, deny each and every allegation contained in paragraph numbered "17" of the complaint, except admit that because plaintiff did not meet those established requirements her eight and one-half years employment with defendant, NASSAU COUNTY MEDICAL CENTER, was terminated as of December 31, 1973.

TENTH: Upon information and belief, deny each and every allegation contained in paragraph numbered "18" of the complaint.

ELEVENTH: Deny that they have any knowledge or information thereof sufficient to form a belief as to each and every allegation contained in paragraphs numbered "20" and "22" of the complaint.

TWELFTH: Upon information and belief, deny each and every allegation contained in paragraphs numbered "21" and "23" of the complaint.

AS TO THE ALLEGATIONS CONCERNING VIOLATIONS OF LAW, DEFENDANTS ALLEGE AS FOLLOWS:

THIRTEENTH: Upon information and belief, deny each and

every allegation contained in paragraphs numbered "24", "25" and "26" of the complaint.

AS AND FOR A FIRST, SEPARATE, COMPLETE AND AFFIRMATIVE DEFENSE, THE SAID DEFENDANTS ALLEGE, UPON INFORMATION AND BELIEF, AS FOLLOWS:

FOURTEENTH: The Court lacks jurisdiction of the subject matter of this action.

AS AND FOR A SECOND, SEPARATE, COMPLETE AND AFFIRMATIVE DEFENSE, THE SAID DEFENDANTS ALLEGE, UPON INFORMATION AND BELIEF, AS FOLLOWS:

FIFTEENTH: The complaint fails to state a claim upon which relief can be granted.

AS AND FOR A THIRD, SEPARATE, COMPLETE AND AFFIRMATIVE DEFENSE, THE SAID DEFENDANTS ALLEGE, UPON INFORMATION AND BELIEF, AS FOLLOWS:

SIXTEENTH: The Court should abstain from passing upon the questions raised in the complaint in favor of an alternative State Court interpretation.

WHEREFORE, the said defendants demand judgment dismissing the complaint, together with costs and disbursements of this action, and such other and further relief as the Court may

deem just and proper.

JOHN F. O'SHAUGHNESSY
County Attorney of Nassau County

By_____
JAMES N. GALLAGHER
Deputy County Attorney, of Counsel
Attorney for Defendants
Nassau County Medical Center,
Dr. Donald H. Eisenberg,
Nassau County Civil Service Commission,
Gabriel Kohn,
Edward S. Witanowski,
Edward A. Simmons,
Adele Leonard
Office and Post Office Address
Nassau County Executive Building
Mineola, New York 11501

NOTICE OF MOTION FOR PRELIMINARY INJUNCTION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARGARET TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY MEDICAL CENTER, et al.,

Defendants.

NOTICE OF MOTION FOR PRELIMINARY INJUNCTION

Civil Action No. 75-C-294

SIR:

PLEASE TAKE NOTICE, that upon the annexed affidavits of HARVEY W. SPIZZ, an attorney at law in the office of the Community Legal Assistance Corporation, sworn to on the 29 day of April, 1975 and MARGARET TOWNSEND, plaintiff in this action, sworn to on the 29 day of April, 1975 and the annexed Memorandum of Law, the undersigned will move this Court before the Honorable Jack B. Weinstein, United States District Courthouse, 225 Cadman Plaza, Brooklyn, New York, on the 7 day of May, 1975 at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for an Order, pursuant to Rule 65 (a) of the Federal Rules of Civil Procedure granting plaintiff the following preliminary relief:

1. Defendant County be required to offer plaintiff the position plaintiff held prior to receiving notice of December 31, 1973 with full back pay and seniority rights;

2. Defendant County be enjoined from hiring or promoting any persons for the position of "Medical Technologist I" either from eligibility lists for that position currently in force or from other sources than the plaintiff;

3. Defendants be enjoined from taking any action which would have the effect of denying, abridging, withholding, conditional or otherwise interfering with the rights of plaintiff to equal employment opportunities pending the outcome of this litigation.

Dated: Hempstead, New York
April 24, 1975

Yours, etc.

S/

SPIZZ & McEVILY
Attorneys for Plaintiff
Community Legal Assistance Corp.
73 Main Street
Hempstead, New York 115[illegible]
516-489-4226/7

AFFIDAVIT OF HARVEY W. SPIZZ IN SUPPORT OF MOTION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARGARET TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY MEDICAL CENTER, et al.,

Defendants.

AFFIDAVIT IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

Civil Action No. 75-C-294

STATE OF NEW YORK)
COUNTY OF NASSAU)ss.:

HARVEY W. SPIZZ, being duly sworn, deposes and says:

1. I am an attorney-at-law associated with SPIZZ & McEVILY, Community Legal Assistance Corporation, attorneys for the plaintiff in the above-entitled action, and submit this affidavit in support of plaintiff's motion for a preliminary injunction.

2. This is an action brought to redress deprivation of rights, privileges and immunities secured by the Thirteenth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. Sections 1981 and 1983 and Title VII of the Civil Rights Act of 1964 (42 U.S.C. Section 2000 e et. seq.) as amended. Plaintiff complains that the arbitrary determination of ~~job qualifications~~ by defendants Nassau County Medical Center, Nassau County Civil Service Commission, New York State Department of Civil Service and New York State Civil Service Commission

has the purpose and effect of discriminating against plaintiff on the basis of her racial and cultural background. Plaintiff further complains that the arbitrary determination by defendants of educational qualifications as a requirement for taking an examination for a job is in direct violation of 42 U.S.C. 1320-a-2 (a), as well as the rules and regulations of the New York State Civil Service Law, Article II, Title A Section 6 and of the Constitution of the State of New York, Article Five, Section 6.

3. Plaintiff requests an Order pursuant to Rule 65 (a) of the Federal Rules of Civil Procedure:

a) requiring defendant County to offer plaintiff the position she held prior to receiving notice of December 31, 1973 with full back pay and seniority rights;

b) enjoining defendant County from hiring or promoting any persons for the position of "Medical Technologist I" either from eligibility lists for that position currently in force or from other sources than the plaintiff;

c) enjoining defendants from taking any action which would have the effect of denying, abridging, withholding, conditional or otherwise interfering with the rights of plaintiff to equal opportunities pending the outcome of this litigation.

4. Plaintiff requests this relief because without it she will suffer irreparable harm, has no adequate remedy at law, and has a probability of success on the merits.

5. No previous application for this or similar relief has been

made.

WHEREFORE, I respectfully request that the Motion for a Preliminary Injunction be granted.

/S/
HARVEY W. SPIZZ

Sworn to before me this

29 day of April, 1975

/S/
Notary Public

TANYA McDOUGALD
NOTARY PUBLIC, State of New York
No. [illegible]
Qualified in Nassau County
Commission Expires March 30, 1977

AFFIDAVIT OF MARGARET TOWNSEND IN SUPPORT OF MOTION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARGARET TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY MEDICAL CENTER, et al.,

Defendants.

AFFIDAVIT IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

Civil Action No. 75-C-294

STATE OF NEW YORK)
COUNTY OF NASSAU)ss.:

MARGARET TOWNSEND, being duly sworn, deposes and says:

1. I am the plaintiff in the above-entitled action.

2. I am a citizen of the United States and a resident of Nassau County. I am Black.

3. On June 22, 1965, I was hired for the provisional position of "Lab Technologist II." In 1967 I was promoted to the provisional position of "Medical Technologist I."

4. In 1971 I filed for and was permitted to take an examination for the permanent position of "Medical Technologist I and II." I did not pass that examination but was allowed to retain my provisional position of "Medical Technologist I." I was subsequently promoted to an Assistant Supervisor and then a Supervisor.

5. In 1973 my application to take an examination for permanent appointment to "Medical Technologist I and II" was denied on the ground that I failed to meet the newly promulgated minimum requirements for these positions. The requirements are either possession of a Bachelor of Science degree from an accredited college or institution, or certification by the American Society of Clinical Pathologists (ASCP) who also require a Bachelor of Science degree. I do not possess such a degree and therefore do not meet these requirements.

6. On December 31, 1973, my eight and one half year employment with defendant Nassau County Medical Center was terminated because I did not meet those newly promulgated requirements.

7. I was subsequently offered re-employment by defendants Nassau County Medical Center and Nassau County Civil Service Commission at the same job at a much decreased salary level. I believe that this action on the part of defendants indicated:

1) that I am qualified for the job and,

2) the drastic reduction in salary for the same job is demonstrative of the discriminatory intentions of the defendants.

8. I believe that the requirements newly promulgated by the defendants Commission and New York State Department of Civil Service unlawfully favors white persons and tends to exclude, limit and otherwise discourage the hiring, retention and promotion of Black persons. Such procedures have denied me, regardless of race, equal employment

opportunities which include, but are not limited to the following:

a) requirement of use of written examinations as the sole criteria for promotion and hiring;

b) requirement of Bachelor of Science degree to be eligible to take the written examinations.

9. I have been, am, and will continue to be irreparably injured by the unlawful practices of defendants, and I have no adequate remedy at law.

10. I have been informed by my attorney of strong probability of success on the merits of this action.

11. On February 26, 1974, I filed a formal complaint against the defendants with the Human Rights Commission.

12. On March 6, 1974, I filed a formal complaint against the defendants with the Equal Employment Opportunity Commission.

13. The statutory 180 days expired on August 26, 1974 without successful resolution of my claim through federal and state agencies.

14. On December 6, 1974, I received a Right to Sue Letter from the Department of Justice.

15. No previous application for this or similar relief has been made to any court or judge.

WHEREFORE, I respectfully request that the Motion for a Preliminary Injunction be granted.

Margaret Townsend
MARGARET TOWNSEND

Sworn to before me this
24th day of April, 1975

GERALDINE MOORE
NOTARY PUBLIC, State of New York
No. 27-8030
Qualified in Nassau County
Commission Expires March 30, 1977

GS/
Notary Public

AFFIDAVIT OF RONALD J. LEVINSON IN OPPOSITION TO MOTION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- X

MARGARET TOWNSEND

Plaintiff Civil Action #75C-294

-against-

AFFIDAVIT

NASSAU COUNTY MEDICAL CENTER, et al.

Defendants

- X

STATE OF NEW YORK)
: ss.:
COUNTY OF NASSAU)

RONALD J. LEVINSON, being duly sworn, deposes and says:

Your deponent is the Deputy Executive Director of the Nassau County Civil Service Commission and is familiar with the facts herein based upon personal information and a review of the files and records maintained by the Nassau County Civil Service Commission.

On June 22, 1965 plaintiff, Margaret Townsend, was provisionally appointed to the position of Laboratory Technician at the Nassau County Medical Center.

At the time of Miss Townsend's appointment to said position the qualifications necessary for said position were graduation from high school and two years of satisfactory experience in an approved laboratory, performing technical laboratory procedures, or graduation from high school and completion of an approved course of two years in laboratory techniques.

On February 3, 1966 plaintiff was terminated from her position as a full time laboratory technician and employed as a part-time laboratory technician. Plaintiff's employment as a part-time laboratory technician continued from February 4, 1966 to January 5, 1967.

On January 6, 1967 plaintiff was provisionally appointed to the position of Senior Laboratory Technician.

The qualificiations for said position were at that time graduation from high school, completion of an approved two year course in medical technology and two years' experience as a technician in a medical laboratory or a satisfactory equivalent of a combination of training and experience.

A re-classification of all County positions was made effective July 7, 1967 as a result of a survey conducted by the firm of Cresap, McCormack & Paget.

Pursuant to the recommendations of Cresap, McCormack & Paget, the position of Laboratory Technician was re-classified into the equivalent position of Laboratory Technician I and the position of Senior Laboratory Technician was re-classified into the position of Laboratory Technician II. The necessary training and experience requirements for the positions of Laboratory Technician I and Laboratory Technician II were similar to those re-classified positions. After the re-classification of positions was accomplished, plaintiff was placed in the position of Medical Technologist I on a provisional basis as she had no status in any competitive title. The salary grade for the plaintiff's new position of Medical Technologist I was Grade 10 which was the same salary grade she occupied as a Senior Laboratory Technician prior to the re-classification of positions.

Upon re-classification of her position, the plaintiff's salary was raised from $5,377.00 per year to $6,656.00 per year. This raise of approximately 24% was accomplished without an examination or a review of the plaintiff's qualifications.

Due to the enormous changes in classification of all positions occasioned by the Cresap, McCormack & Paget survey, the Nassau County Civil Service Commission passed a resolution on

January 25, 1968 in which incumbents of positions who had served at least one year prior to July 7, 1967 and were required to participate in an examination in order to attain permanent status in their position would be deemed qualified and admitted to the next examination for said position, regardless of whether they met the training and experience required of said positions.

This resolution of the Nassau County Civil Service Commission was approved by the Nassau County Board of Supervisors on December 9, 1968.

Based upon the resolutions of the Nassau County Civil Service Commission and the Nassau County Board of Supervisors, plaintiff would have been permitted to take Examination #65465 for the position of Medical Technologist I in 1969 despite the fact that she did not meet the training and experience requirements of either the possession of a Bachelor of Science degree or certification from the American Society of Clinical Pathologists.

A review of the records maintained by the Nassau County Civil Service Commission indicates that plaintiff did not take the examination for the position of Medical Technologist I given on October 27, 1969 and despite this fact the plaintiff

was retained after said examination in said position on a provisional basis due to the multitude and magnitude of the changes of classifications of positions occasions by the Cresap, McCormack & Paget survey pursuant to Rule 21 Subd. 3 of the Rules of the Nassau County Civil Service Commission which provides that under unusual circumstances the Nassau County Civil Service Commission may extend a provisional appointment until the next examination.

On December 4, 1971 Examination No.60-502 for the position of Medical Technologist I was given and the plaintiff was permitted to participate in said examination. Although the petitioner did not pass said examination she was permitted to continue in the position of Medical Technologist I due to the fact that the eligible list promulgated from the 1971 examination did not contain a sufficient number of names to fill all vacancies.

Examination No. 64-437 for the position of Medical Technologist I was announced on February 27, 1973 and held on April 14, 1973. Plaintiff was not permitted to take said examination due to the fact that she did not meet the training and experience qualifications necessary for said position, i. e., a Bachelor of Science degree or certification by the American

Society of Clinical Pathologists.

The Nassau County Medical Center was notified in August of 1973 that the plaintiff was not qualified to fill the position of Medical Technologist I and would have to be removed. Plaintiff was not removed from said position until December 31, 1973 after an eligible list for the position was established. The qualifications for the position of Medical Technologist I of a Bachelor of Science degree or certification by the American Society of Clinical Pathdogist were promulgated only after an extensive survey was conducted by Cresap, McCormack & Peaget in conjunction with the County of Nassau.

This survey was conducted by extensive interviews of individuals working in all positions at the Nassau County Medical Center and after said interviews it was the well-considered opinion that a Bachelor of Science degree or certification of the American Society of Clinical Pathologists was necessary in order to properly perform the duties of a Medical Technologist I. The position of Medical Technologist I requires a great deal of scientific knowledge as can be seen from a review of the job specification which is annexed hereto as Defendants' Exhibit "A"

and the possession of a Bachelor of Science degree or certification by the American Society of Clinical Pathologists is a bona fide occupational qualification. Your deponent would also like to point out that contrary to the allegations contained in her papers, the plaintiff has not been discriminated against by the defendants in this action. She does not have permanent status in any position at the Nassau County Medical Center, but has been retained as an employee from 1965 until the present date on a provisional basis. Your deponent knows of three other individuals who had worked in the position of Medical Technologist I or other Medical Technologist positions, and who were not permitted to take the examination in said positions in April 1973 because they did not meet the training and experience qualifications. The names of these people are ~~Frederick Miller~~, Jean Milson and Jean Bush. All of these people are white.

Sworn to before me, this
8th day of May, 1975.

Notary Public

/s/
Ronald J. Levinson

EXHIBIT A ANNEXED TO AFFIDAVIT OF RONALD J. LEVINSON

NASSAU COUNTY

CLASS SPECIFICATION

Title: Medical Technologist I
(Hematology) (Histology)
(Virology) (Chemistry)
(Serology) (Bacteriology)
(Immunohemotology)
(Electrophoresis)
(Microbiology)
(Parasitology)
(Blood Bank)

Code: 330310
Page: 1 of 2

GENERAL STATEMENT OF DUTIES

Performs laboratory procedures on biological specimens in order to aid in the detection of disease; performs related duties as required.

COMPLEXITY OF DUTIES

The position is professional, requires the use of independent judgment and is subject to review by a supervisor through observation of work during performance and occasional retests performed by higher level medical technologists.

TYPICAL DUTIES

1. Prepares and stains slides from specimens and examines them under a microscope to determine the presence, identification and quantity of bacteria, fungi, protozoa and other micro-organisms.

2. Assists in determining the presence of pathogenic organisms.

3. Cultures specimens such as fluids, exudates, tissue and water samples to determine presence of specific types of organisms and identifies them by microscopic examination and other tests.

4. Performs diagnostic technical work in the field of specialization.

5. Conducts bacteriological surveys at sites where food or water is supplied.

6. Tests media for sterility and fitness for use by presence of visible organisms.

7. Keeps records and makes reports concerning tests and examinations performed.

Exhibit "A"

(over)

BEST COPY AVAILABLE

Title: Medical Technologist I
(Hematology) (Histology)
(Virology) (Chemistry)
(Serology) (Bacteriology)
(Immunohemotology)
(Electrophoresis)
(Microbiology)
(Parasitology)
(Blood Bank)

QUALIFICATIONS

Knowledge, Skills and Abilities

1. Knowledge of the principles, methods and practices in the field of specialization with emphasis on culture and diagnostic methods.

2. Knowledge of the use, operation and care of laboratory equipment.

3. Knowledge of basic principles of the natural sciences.

4. Skill in the use and care of laboratory equipment.

5. Ability to perform prolonged microscopic work.

Training and Experience

1. Either:

(a) Bachelor of Science degree from a regionally accredited college or university, or one approved by New York State;

or

(b) American Society of Clinical Pathologists (ASCP) certification as a Medical Technologist.

2. No prior experience requirement.

Revised 4/16/73

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------X

TOWNSEND, :

Plaintiff, :

-against- : 75-C-294

NASSAU COUNTY CIVIL SERVICE COMMISSION, :

Defendant. :

----------X

United States Courthouse
Brooklyn, New York

September 22, 1975
2:00 o'clock p.m.

B e f o r e :

HON. JACK B. WEINSTEIN,

U.S.D.J.

CIVIL CAUSE
FOR TRIAL

DIANNA LANDSMAN
Court Reporter

Appearances:

HARVEY SPIZZ, ESQ.
Attorney for Plaintiff

JAMES GALLAGHER, ESQ.
Attorney for Defendant

MR. SPIZZ: Your Honor, may I make a brief opening statement?

THE COURT: Yes.

MR. SPIZZ: This is a basic Title 7 case being brought by Patrick Townsend against the Nassau County Civil Service Commission. We plan to proceed based upon two theories and based upon two leading United States Supreme Court cases.

Our first theory is based upon the Griggs case. Pursuant to the Griggs case where a qualification or a criterion has been set and this is: Openings disportionately against a minority group, the burden of showing that that qualification is related shifts to the defendant.

We intend, pursuant to the Griggs theory, to introduce statistical evidence culled from the Department of Census, Department of Commerce, showing that college degree requirements operate in a discriminatory manner against black people; that fewer blacks achieve college degrees than do whites.

Pursuant to that, to the Griggs case, after we do that I would submit that the burden of showing that the college degree requirement is valid will shift to the defendant.

We are also going to proceed under the theory

of the McDonald-Douglas versus Green case, another United States Supreme Court case. Both cases are cited in the trial brief which I have served upon opposing counsel and filed with the court.

Under that case, we will show that plaintiff belongs to a racial minority, mainly that she is black; that she is qualified for the position of Medical Technologist I and has not gotten the job of Medical Technologist I.

Pursuant to the McDonald case, the burden will again shift to the defendant to show that the criteria they have used and that is preventing her from getting the job is valid and that she must have a college degree to take the examination. Also, that she must pass the examination. So, the burden will shift to them to show she should have a college degree and should have to take an examination.

THE COURT: If she does not have a college degree and they are right, she is out?

MR. SPIZZ: I don't believe so under McDonald-Douglas.

THE COURT: She could not pass the examination because she could not qualify?

MR. SPIZZ: I am saying that even defining a valid thing for them to have the college degree, I

would still submit that in this instance she does not have a college degree and she would be out but - - I think your Honor is correct but assuming your Honor finds that she does not need a college degree and for whatever reason she should be permitted to take the test.

THE COURT: Did she take the current test?

MR. SPIZZ: She took a test.

THE COURT: Which test?

MR. SPIZZ: She has not been permitted to take the most recent test. Now they are going to have to show that the test, the requirement of giving a test, is valid and also I would submit that the test is valid now with respect to their burden of showing the validity of a college degree and of the test at this point.

THE COURT: Of a test or this test?

MR. SPIZZ: Of the test that they have given in the past and any test in the future.

THE COURT: The original she took or the one she did not take?

MR. SPIZZ: The original test that she took.

Now, in speaking about the validity of the test, the Equal Employment Opportunity Commission Guidelines come into play.

In the Griggs case and last term in the Albermarle Paper Company versus Moody case, decided by the United

States Supreme Court last term the EEOC Guidelines were endorsed and it was stated by the court that they should be given a great deal of respect and looked at closely when validating tests.

Now, under those guidelines, a test is a test and it is also, for example, a degree requirement - - 1607.

Number Two defines tests to include a degree requirement. The guidelines set forth various criteria for validating. The guidelines briefly say they must show the criteria is valid and has a high degree of unity. In addition to that they must show that there are no other less discriminatory means of selecting employees than those that they have used.

The burden, once we have met the initial prima facie case under Griggs or McDonald-Douglas versus Green, is on the defendant to show that. We're going to show, through the testimony of Margaret Townsend, that she is qualified. We are going to introduce the testimony of other employees and supervisors of Margaret Townsend to show that she is qualified. We will show that she is a member of a minority and we will show that she did not get the job.

THE COURT: What is the job?

MR. SPIZZ: Medical Technologist I.

THE COURT: Med Tec I is the specific job in question?

MR. SPIZZ: That is correct. Assuming that the defendants come forward as they must with any evidence as to validation of their requirement - - the test and the degree requirement - - we will be prepared to offer rebuttal evidence if necessary on the question of the validation of the requirements.

My first witness is the plaintiff.

MR. GALLAGHER: Could the defendant at this time make an opening statement?

The first thing I would like to remark about is that Mr. Spizz intends to use 52 United States Code 2320A as well as the Title 7 referred to in his opening statement.

MR. SPIZZ: We are going to be proceeding under the other cause of action 19881 and 19739, due process and of course there is a Federal argument as to the law and the various State arguments that we have made in our trial brief.

The facts will support all the other arguments but we are relying, in the main, on Title 7 cases.

MR. GALLAGHER: In that case I would like to point out to the Court that in the first instance that a similar claim under 42 United States Code 13282 was

made in the case of Milson versus Leonard and the judge made a decision indicating that the qualification of having a bachelors for the requirement for a medical technologist position does not violate the statute.

THE COURT: Medical Technologist I?

MR. GALLAGHER: That is correct. It was Med Tec III but the requirements are the same.

THE COURT: Which is higher?

MR. GALLAGHER: III but Judge Booling said that particular statute did not apply to the entire Med Tec area in the hospital - - that it dealt with health insurance for the aged and disabled and also mentioned that the secretary should not be involved.

In the particular problems that we have in this case, where a criteria set for a decision to examine - -

THE COURT: Could you give me a copy of it, please?

MR. GALLAGHER: Yes, I could.

THE COURT: Thank you.

MR. GALLAGHER: With regard to the other issue which we have in the case which is the allegation of racial descrimination, I would say this. Mr. Spizz has made remarks at the examination for Med Tec I has been challenged in the complaint. I think a review of the complaint shows that no challenge to that examination is there and the only real issue in this case is whether

the - -

THE COURT: Which examination are you talking about?

MR. GALLAGHER: Whatever one he is talking about.

THE COURT: The one she failed or the one ultimately given?

MR. SPIZZ: I am talking about once we establish a prima facie case.

THE COURT: What examination?

MR. SPIZZ: The basic examination is the first examination.

I think they are also going to have to show that the examinations are valid.

THE COURT: Are you talking about the first examination?

MR. SPIZZ: Yes, your Honor.

MR. GALLAGHER: It is our position, your Honor, that the plaintiffs, in their complaint, have challenged neither examination and the only challenge is to promulgation of job qualifications as to Med Tec I. Wherein, the Nassau County Civil Service Commission has said that in order to take an examination and going no further, and the plaintiff has not been aggrieved by not taking the examination - - promulgating those two requirements either by his or certification by ASCP

discriminated against the plaintiff on the basis of her race. I think that is the only issue in the case.

Now, we believe that the testimony in this case will show that the plaintiff will not establish that the qualification in question had a racially disproportionate outcome as far as black people are concerned. I believe the only way the plaintiff could prove that would be having taken a survey of all those who applied for the examination and then showing that a higher percentage of the blacks who applied were disqualified from the examination than the whites who applied for the examination.

I believe the plaintiff will fail to do that and not have a prima facie case. Furthermore, the defendant will come forth with two witnesses to testify as to how the job specifications in question for Med Tec I was evolved and how it is constantly being reviewed for its validity. Those two witnesses are Mr. Rosswick and Mr. Fontana.

Mr. Fontana will testify as to how the job specification what evolved.

Based upon that I believe the defendant will succeed in this case.

MR. SPIZZ: Would your Honor want me to make any response?

THE COURT: No.

Let the witness sit here so she can be heard.

M A R G A R E T T O W N S E N D , having been first duly sworn by the Clerk of the Court, testified as follows:

DIRECT EXAMINATION

BY MR. SPIZZ:

Q Mrs. Townsend, where do you live?

A 133 Commerce Street, Freeport, New York.

Q When were you born?

A December 31, 1933.

Q Where were you born?

A Cherro, South Carolina.

Q Could you tell the Court where you attended your public school education?

A I started in South Carolina. There was a part of my schooling that was in Georgia and the last part of my education was in Hollywood, Florida at Atticks High School.

Q What grade did you start in at Atticks High School in Hollywood, Florida?

A Seventh.

Q The seventh grade?

A Yes.

Q And how many years did you attend that institution?
A Three and then back for about six months.
Q When you say back, where were you in the interim?
A I was not in school at all.
Q Was there a period of time when other than attending the Atticks High School you were attending another institution in connection with your high school education?
A No, that is when I went back to Atticks.
Q I would refer you to Memorial Hospital. Was that in any way involved with your high school education?
A That was when I applied for the training at Memorial. I didn't have a high school diploma. Before I could be scheduled for the training I would have to get it and I returned to high school adult classes at night.
Q As a result of that did you complete your high school requirements at Atticks High School?
A Yes, I did.
Q Did you have any proof of that fact?
A No, not in writing, I don't.
Q Why is that, Mrs. Townsend?

MR. GALLAGHER: Objection.

THE COURT: Overruled.

Q Why don't you have any proof?
A That was during when I was attending there at night and

training at Memorial during the day so I went to the principal and asked how long it would take because the hospital is interested. They set up a special work schedule for me so I could attend the night classes. He says you have in enough time. You can tell your supervisor that it is all right and you can come back and pick it up.

Q Did you ever pick up the diploma?

A No, it was during the Cuban invasion. There was a black-out and a fire in the office. I told this to the hospital and they spoke to him and they accepted it.

Q Could you describe the racial makeup of Atticks High School?

THE COURT: You are not going to submit that she has a high school diploma?

MR. SPIZZ: I am going to get to that.

THE COURT: When?

MR. SPIZZ: I am going to ask a question.

THE COURT: What have you done?

MR. SPIZZ: Atticks High School is no longer in existence

THE COURT: Doesn't Hollywood Florida have records? Did you attempt to get them yourself?

MR. SPIZZ: We contacted Atticks High School ourselves and no response came back.

THE COURT: There must be a Board of Education.

MR. SPIZZ: At the time Mrs. Townsend attended this high school it was entirely a black high school.

THE COURT: That is not satisfactory. There must be a Board of Education in Hollywood and I don't see why they don't have records. It is not an uncivilized place.

I don't find that satisfactory. I don't know whether it is relevant as to whether she has or does not have a high school education. I don't consider this acceptable.

EXAMINATION BY

MR. SPIZZ (CONT'D.):

Q Mrs. Townsend, if we were to try the Board of Education - - have you ever tried to get your diploma from the Board of Education?

A Yes.

Q In Hollywood?

A Yes.

Q What happened?

A Nobody seems to know. It is an all black school and it was inadequate so all the students were transferred to other schools.

Q When was the last time you attempted to get a copy of the high school diploma from Atticks?

A When I moved to New York.

Q When was that?

A 1965.

Q Who did you write to?

A I didn't write, I tried to find out if the office was still there. But, it was some sort of rehabilitation center and they had no idea where the records were.

Q The job of Lab Tec II provisional which you are currently holding, does that job require a high school diploma?

A Yes.

Q In getting that job, what did you indicate to the Nassau County Medical Center and Civil Service Commission?

A I didn't have to indicate anything to them.

Q Was there ever a question in getting your employment with Nassau County as to whether or not you had a high school diploma?

A No.

THE COURT: We have to take a break. We have a criminal case.

(Recess taken.)

(After recess.)

THE COURT: I am going to assume, if it makes any difference, that she does not have a high school degree.

MR. SPIZZ: At this time, your Honor, I would like to indicate that whether or not she has a high school degree has no relevance to the case. We would contend, however, that I was bringing it out merely for chronological purposes and to show background.

I might add that based upon conversations with Mr. and Mrs. Townsend about the nature of the small black high school in Atticks which was part of Hollywood and the fact that it was a brand new adult education program and based upon the efforts she had made and spoken to the principal about getting her diploma, it is unavailable. We don't think it is relevant to the case and I will proceed.

EXAMINATION BY
MR. SPIZZ (CONT'D.):

Q Mrs. Townsend, I'd like to call your attention to the first time you were involved in the area of laboratory work in blood banking.

Do you remember that time?

A That was when I started my training at Memorial Hospital.

Q Could you specify the exact name and address of the hospital?

A It is Hollywood Memorial, the number I don't remember. It is on Johnson Street.

Q In Hollywood, Florida?

A Yes.

Q When did you start your training there?

A That was in November, 1962.

Q How long did you receive training there altogether?

A The training course was one year.

Q Would you describe specifically what this training was and please be as specific as possible?

A The training involved all phases of blood banking,which is typing.

Q When you say typing, could you explain exactly what typing is?

A You determine the type of blood of the patient or the donor which involves working with antiserums and known cells.

Q What would be the procedure used in determining the type of blood of a patient or donor? What specific things would you do?

A You check the patient's cells.

Q How would you check the cells and serum?

A The general procedure with the cells - - they are

washed in saline and mixed with the antiserums and AB and Rh to determine the type. To confirm that you check it with known cells.

Q Does this involve using a microscope?

A Yes.

Q We don't know anything about this so you have to make believe we know nothing about it and tell me specifically what you do.

A Their procedure was with tubes. These are used in glass tubing and they are read by the technician or the student is to determine the type of the patient or datas of this procedure.

Thereby, you are responsible for what blood the patient receives.

Q Would you take the sample of blood?

A Yes, at that hospital you went on the floor to draw the specimens so you were responsible for the patient in getting the blood specimen and bringing it back to to the lab and making sure what type it was. Thereby you check the donor to make sure the patient received the proper type of blood.

The same procedure was used when the donor was with the patient.

Q You would do both procedures; blood from donor

and patient?

A Yes.

Q I'd like you to tell me exactly again, if you would, you actually go with a needle and take the blood out?

A Yes.

Q Exactly what did you specifically do? Tell us every little step along the way from when you were first told to go and see a patient.

A There you received orders from the doctor or if it was an emergency case secretary received the order by phone. Then they were confirmed in writing. A technician or the student, while I was in training, I went along with the trained technician to identify the patient; you check the identification of the patient's armband against the request that was written by the doctor. Then you draw the blood.

Q Tell me about drawing the blood from the vein. What procedures are involved?

A You have to find the vein. You have to make sure that you know where to go.

It is a good technician or a good student who makes a point of sticking the patient only once.

Q Are there any sterilization procedures?

A Yes, the patient's arm is scrubbed on the entry side

so that there are no germs or contamination carried into the vein from the dirty arm or whatever and then the specimen is drawn.

Q What about the syringe? Any specific requirement as to the use of the syringe?

A The syringe comes prepared and sterilized from the company.

Q What about the test tubes?

A They too come prepared and sterilized from the company.

Q And you would be in complete control of the tube, syringe and patient and you were receiving training to do that at that hospital?

A Right.

Q So your training was in the field of drawing blood?

A Yes.

Q Q What did they train you next in the process of typing blood? What would be the next step?

A After the patient was typed?

Q I want to know how you typed the patient.

A That was in the antiserums.

Q Break it down into little pieces. What did you do with the slide?

A Brought the tube back into the lab. The tubes have

blood spun down in a centrifuge.

Q Is the centrifuge mechanical?

MR. GALLAGHER: At this time counselor should not interrupt the witness when she is responding to a question, your Honor.

THE COURT: Move ahead. I will allow a little leading. Let us not get into too much detail.

A This is to separate the blood cells from the serum because in this case you work with the cells as well as the serum.

The cells type with the antiserum to determine the blood type - - the patient's cells and commercial antiserum.

Q When you are discussing a technical term please say it slowly and if possible spell the term because we are not familiar with the terms and it is a little difficult.

A All right.

Q So you were talking about - - just to tell you where you were - - about the spinning of the tube to separate the serum from the cells.

A In typing you use the patient's as well as the serum. The cells are mixed with commercial antiserum which is labeled and a control. Then you mix another set of tubes, the patient's serum with known cells which are commercially made.

This is a check to make sure that the first five tubes that you typed, the next four confirm what the first four gave you. This is a check so that the patient does not receive the wrong kind of blood.

Q What other things did you receive training in?

A After you have established the type you are responsible for finding a donor that is compatible with the patient.

If the donor's blood is not given the same consideration and the patient receives it, it can be fatal. This is a responsibility of the technician once the training is over or it is the responsibility of the supervisor who was training the student.

Q Could you describe other aspects of the training you received at Hollywood Memorial Hospital?

A Pints of blood or units, as they are referred to, have to be drawn from donors. People who volunteer or people who give blood that relatives or friends have used. So, as part of my training, I was trained to draw blood from donors. In this you are responsible for screening the donors, asking certain medical questions about the health, about recent donations and things like that, to find out if they are healthy enough or if they qualify as a donor.

Q How were you told what questions to ask as far as medical history is concerned?

A These questions are set up in a guideline which is usually State or Federal or by different blood banking firms. This is to find out if a donor has had malaria, syphilis. or has a cold or any other disease, if they are allergic to penicillin, anything that can be passed on from donor to patient. Once the donor has been cleared as a healthy donor, then you draw one pint of blood.

This means this is from a different site in the arm. Then you are left with the responsibility of knowing if the donor is having a reaction to losing a pint of blood which could come in the form of shock. Sometimes they faint or sometimes just the lack of oxygen because they are losing a pint of blood causes a donor to have certain reactions. You have to be trained to know when the reaction is about to occur.

Q Did you receive training in this area?

A Yes, that was part of my training.

Q What other training did you receive?

A I was trained with the blood banking and the donor in the blood banking. If you have a problem, if there is a patient who reacts to a unit of blood, a patient is transfused with a unit of blood,and for some reason the doctor feels the patient is having an adverse reaction, the blood is sent to the lab and it is up to the technician to find out what,

if anything, is wrong with the blood.

Sometimes it is not blood. It is a medication or just the idea of getting a unit of blood. But it is up to the lab and technician to determine that the unit of blood is fine.

Q Did you receive training in how to determine that?

A Right.

Q What would you do?

A You compare the previous specimen when the unit of blood was made up against a second specimen that is drawn after what the doctor considers a reaction and commercially from ten to sixteen panels of cells that are set up with certain antibodies. You have to know how to screen and identify them.

Sometimes there are a number of antibodies and in some cases there is one. But, you have to know what it is so that you can tell the doctor how to treat the patient.

Q These comparisons that you make between the slides and the specimens, that would involve microscopic examination?

A Of course. Most blood banking is just that. You are taught not to trust the naked eye because sometimes the reactions are minor. They cannot be seen.

Q Were there any other areas you received training in?

A We did work-ups on patients to determine if the RH negative is present or if it is RH positive. We have to be able to tell the doctor how strong the reaction was so he would know how to treat the patient. In some cases it is how to treat the mother and there, at that hospital, you were called into the emergency room to draw specimens. You were called into the operating room, wherever the patient was in need the technician was required to go.

Q Any other training?

A No.

Q Now, after you completed a year of training what did you do next?

A I stayed on as an employee, as a regular technician.

Q What was your title?

A There they do not give titles. It is a private hospital. It is not Civil Service.

Q How long did you work there?

A A year, a year after my training.

Q Do you recall the date that your employment terminated at Hollywood Memorial?

A Around February 1965.

Q 1965?

A Yes.

Q And during the course of your employment at Memorial what were your activities; were they similar to your training?

A They were similar except that I was assigned mainly to the donor room.

My hours were 12:00 o'clock to 8:30. I was responsible for drawing donors.

Q Were you involved with typing at that time?

A Yes, I did that in addition to drawing donors but my first assignment was to draw all donors who came in.

Q How many hours a week did the training consist of?

A Eight.

Q And it went on for how long?

A One year.

Q Do you recall the name of the instructor?

A Mary O'Conner.

I'd like to say that it was four hours during the time that I attended the night classes at Atticks. They made a special arrangement so I could get in hospital work and get the night school.

Q So that was until approximately February of 1965?

A Yes.

Q Did there come a time when you moved to the

State of New York?

A Yes.

Q When was that?

A The end of February or the beginning of March.

Q Did you obtain employment in New York?

THE COURT: What year was this?

THE WITNESS: 1965.

Q That would have been the month of March of 1965?

A Yes.

Q Did you obtain employment in New York at that time?

A Yes, I did.

Q Where did you obtain employment?

A I applied at Nassau County Medical Center. I was interviewed by the blood bank supervisor. I was interviewed by the director and I was told that I did have the job and I would be replacing a technician who was leaving.

In the meantime I applied for a job that I saw in the paper at Mercy in Rockville Center.

Q Did you obtain a job at Mercy Hospital?

A Yes, I did.

Q What was your position there?

A I was a part-timer. I worked Saturdays and Sundays in the blood bank.

Q The activity that you performed at Mercy in blood banking, were these activities along the lines that you testified to earlier?

A Exactly the same except that at Mercy they did not have a donor program. They had all the blood shipped from a commercial bank.

Q You commenced work at Mercy, when?

A In March of 1965.

Q 1965?

A Yes.

Q You worked at Mercy until when?

A Around the end of July.

Q Who was your supervisor at Mercy Hospital?

A Jerry Biando.

Q Was there a medical doctor in charge of the laboratory work at Mercy Hospital?

A Yes, Dr. Sano.

Q Dr. Edward Sano.

Do you have any other connection with Dr. Sano other than your work at Mercy Hospital?

A Yes, as I discovered later, I was set up for an appointment to see the director when I applied at Mercy and when I called back for it the message was that he had seen me over at Nassau County Medical Center. I was not aware it was the

same person.

Q Did you eventually start work at Nassau County Medical Center?

A Yes.

Q When was that?

A In June, June 22nd,1965.

Q Then you testified that you were working at Mercy Hospital through July of 1965. Were you in fact working at both institutions?

A I worked at Nassau County Medical Center Monday through Friday and Saturday and Sunday I worked at Mercy.

Q You worked seven days a week?

A Yes.

Q And the medical doctor in charge of the laboratories at both hospitals was who?

A Dr. Edward Sano.

Q What was your position at Nassau County Medical Center? That was a Civil Service Nassau County job?

A Yes.

Q Were you given a title?

A No.

Q Were you given a provisional title?

A No.

Q What did you do there at the Medical Center?

A I did blood banking, the same as I did at Memorial except at that time, in 1965, there was a nurse hired. Only nurses/drew donors at Nassau County Medical Center in 1965.

Q So you were not drawing blood then?

A No.

Q Only registered nurses?

A Only registered nurses.

Q But did you know how to draw blood?

A Yes, I learned that at Memorial.

Q Did anybody else who was doing your job at that time draw blood?

A No.

MR. GALLAGHER: Objection.

THE COURT: Sustained.

Q Did you learn any additional activities in connection with blood banking and laboratory work during this time at the Nassau County Medical Center?

MR. GALLAGHER: Objection as to exactly what he is referring to as to time.

Q You testified you started to work there in June of 1965. How long did you have the position that you had at that time when you started working in June of 1965?

A I was paid in the salary of Lab Tech I.

Q Lab Tech I?

A Yes.

Q Do you know the grade of that position?

A I do now.

Q The grade that you had at that time?

A I know the grade of that position now. I did not know it then.

Q What grade was that?

A It was an eight.

Q Grade eight?

A Yes.

Q You continued in that position for how long, Mrs. Townsend?

A Until 1967.

Q Now, during this period of time did you learn any other activities other than the ones you testified to earlier that you had learned down in Hollywood?

A In addition to my other training Nassau County Medical Center instituted a blood freezing program which was relatively new - -

Q You learned that?

A Yes.

Q Would you describe it briefly? What was involved in blood freezing?

A Ordinarily blood drawn from a donor is considered good

or transferrable for twenty-one days. With the new freezing process it is good up to several years but it requires special techniques where you separate the plasma from the blood and the blood is mixed with the sugar solution. It is frozen and then it is reconstituted, washed, reconstituted with saline solution and the theory is that it is as good as having been drawn a couple of hours before.

Q Are you familiar with those procedures?

A Yes.

Q Can you execute them?

A Yes.

Q Did something then of significance occur with respect to your job in 1967?

A Well, there was, at that time, there was a group of men around the hospital. I have to say it this way because I was not really familiar with civil service and all. A group of men visited each department and asked questions and observed people working. I was later told that this was called the Crescent Report. It was a private concern that the County had hired to do an evaluation on the people who worked there.

After this interview I was given a different title. I was then later - - I had a note from the lab saying that I was given a promotion as Med Tec I.

Q Do you know the grade of that position?

A It is considered a Grade Ten.

Q How long did you work in that position?

A I worked in that position until I was terminated in December 31st, 1974.

Q What were your duties in that position?

A Well, the senior technician who was there at that time that I was hired left.

Q What was the name of that senior technician?

A Addie Munich.

Q Do you know what her title was?

A She was a Med Tec I.

Q Go ahead.

A I was told by the supervisor, Mr. George Davies, that he and Dr. Sano had decided to make me Mr. Davies' assistant.

Q What was your title then? You had an informal title besides your civil service title?

A Assistant supervisor, blood bank supervisor.

Q How many people worked under you in the blood bank lab?

A Then there were about five or six full-timers and about six part-timers.

Q Do you remember the names of any of these people?

A Yes.

Q Could you give the names?

A The full-timers were John Gervais.

Q Any other names?

A John Gervais, who was a full-timer, Gene Bush, who was a full-timer, Carl Hill, who was a full-timer and Whiley Coleman, who was a full-timer.

Part-timers were Helen Hertzel, who was blood bank supervisor over at Mercy Hospital. There were four others. I don't remember their names.

Q Can you tell me something about your duties as assistant supervisor?

A As assistant supervisor I was at the Medical Center. Each Thursday supervisors met to discuss problems of the people who worked under them and how to handle the coverage for weekends. If Mr. Davies was absent I was required to attend the meeting for him. I was responsible for seeing that all the blood bank work was carried out and whatever problems arised in addition to teaching the students.

Q What did you teach the students?

A They have a program. It is a teaching hospital. Nassau County Medical Center is a teaching hospital.

Q Affiliated from what agency?

A Nassau Community College and a few from Adelphi. But there are laboratory technology students who spend from two

to four weeks for each department. I was responsible for teaching them about blood banking and how to be able to work in a blood bank.

Q What curriculum would be covered during the course of the teaching?

A Typing patients, cross-matching, matching blood, about what to look for in certain specimens, what reactions are caused in a patient.

Q Were you in complete charge of these students?

A Yes, I was in complete charge of the students under Dr. Davies. I was responsible for seeing that they learned whatever they were supposed to know when they left the department.

Q Do you know if the students had anything to do with the American Society of Clinical Pathologist, ASCP, the program that is connected with the certification of laboratory technicians?

A Yes.

Q What did they have to do with the ASCP certification program?

A That was a part of their training. Once they finished the training at Nassau County they were given applications by the student coordinator to take an examination and become accredited.

Q Now, I would like to show the witness a document (handing).

Do you recognize that document, Mrs. Townsend?

A Yes.

Q Did you receive that document?

A Yes.

Q When and in what connection?

MR. GALLAGHER: Your Honor, can we have an identification of what the document is?

THE COURT: He wants to authenticate it.

Unless you want to take a look - -

MR. GALLAGHER: I'd like to take a look at it.

THE COURT: Are you going to offer any other documents?

MR. SPIZZ: I have a lot.

THE COURT: Have you shown them to your opponent?

MR. SPIZZ: I had indicated to him by the trial brief - -

THE COURT: Take all the documents and show them to him and see if you can stipulate on them so we can save a lot of time.

(Recess taken.)

(After recess.)

THE COURT: Go ahead.

MR. SPIZZ: Those documents I was going to introduce, are you going to object to this?

THE COURT: On what grounds?

MR. GALLAGHER: As not being the best evidence of the facts that they wish to establish.

THE COURT: I will mark it as a plaintiff's exhibit for identification.

PLaintiff's Exhibit 1 for identification.

MR. SPIZZ: I will deal with the exhibit, your Honor.

THE COURT: Admitted in evidence.

THE CLERK: Plaintiff's Exhibit 1 marked in evidence.

(So marked.)

BY MR. SPIZZ (CONT'D.):

Q Mrs. Townsend, did there come a time when Dr. Davies left the lab?

A Yes.

Q When was that?

A June, 1970.

Q June, 1970?

A Yes.

Q What happened when he left? What was your

position then?

A Could I just say that is why that was written?

MR. GALLAGHER: I would move to strike that.

THE COURT: I did not understand what you said.

THE WITNESS: I asked if I could just say that was why I left - - because Mr. Davies was leaving and I was informed by Mr. Davies that he and the director decided that I would have to be in charge of the blood bank which meant that I would no longer be the assistant,but the supervisor.

Q Were you in fact then made the acting supervisor?

A Yes, I was.

Q How long did you continue in that position?

A Until November of 1970, from June until November.

Q I see. June 1970 to November 1970.

A Yes.

Q Did you receive any extra pay while you were supervising?

A No, I did not.

Q Was anything said to you by your employers with respect to your position, with respect to title?

A Yes, the lab coordinator said to me that I was not really -- I did not want the position and they said to me I was the only one that could take over for Mr. Davies.

That was for the time being and when the next examination was given then they would recommend that I take the test for Med Tec II.

MR. GALLAGHER: I move to strike anything that the lab coordinator told Mrs. Townsend as hearsay.

THE COURT: Overruled.

Q What was the name of the lab coordinator?

A Alan Scimeca. That part was written into my evaluation.

Q What did he do?

A He supervises the various laboratory supervisors.

Q How many labs were in the Medical Center?

A I think, about eight.

Q Can you list the names?

A Blood bank supervisor, hematology, bacteriology, chemistry - -

Q What were you doing while you were acting supervisor? What were your functions?

A I would be responsible for ordering all supplies for the blood bank which meant all the materials that the blood bank personnel need to work with from various companies. That involves buying the donor room equipment which is plastic bags, different antiserums from various companies, scheduling the help to work and to make sure the blood bank is covered.

The blood bank operates on a 24-hour basis. You have to

make up the payroll schedule, seeing that people are paid for the time they put in, keeping track of time, time accumulated, how much vacation time and how much sick time, and things like that.

Q In addition, with respect to those people working under you and their work in the blood bank,as far as the quality of their work is concerned - -

A The supervisor is responsible for the other workers as to mistakes they might make, work they do not do or if there is a problem with the doctors the supervisor has to handle that and answer two requests if it is possible for the blood bank to prepare blood for an operation. The supervisor has to explain to the doctor why or ask the doctor if he can wait.

Q These explanations to the doctors which you made, were these made on a routine basis or were there ever emergencies involved?

A Emergencies at certain times during the year. There is a shortage of blood. People go away on vacation and things like that. You have less people donating less blood. There is less blood available. It is up to the supervisor to inform the surgeon you won't be able to prepare blood for a certain case. You, along with the surgeon, have to evaluate what cases can wait and what cases have to be done.

Q You, along with the surgeon?

A Yes.

Q What would be your input to a surgeon in terms of who should get a blood transfusion first?

A If there is a shortage and we could not prepare blood for elective surgery, you leave the blood for emergencies. Things that could not wait or would be damaging to the patient if it was put off, something like a tonsillectomy. It would not kill the patient if he waited a couple of days. He could wait.

Q Do you know the title that Mr. Davies had in doing the job of supervisor?

A I have it right here.

Q Did you then have any communication with the Civil Service Commission as to having to take a civil service examination?

A In 1967?

THE COURT: Are those - -

MR. SPIZZ: I have checked.

THE COURT: Are they going to be objected to?

MR. GALLAGHER: I stipulated to all the documents he has in his hand as being admissible as far as I was concerned.

THE COURT: Let me have them.

MR. SPIZZ: I am going to be introducing into evidence the three documents: A letter signed by Adele Leonard in 1967, two appointment cards to take the Civil Service test.

Would you tell us something about each of the three documents?

MR. GALLAGHER: I would say the documents speak for themselves.

Q Did you receive the documents from the employers at the Civil Service Commission?

A The one from Adele Leonard,I was given that from the lab office. My supervisor did not know about the change from Lab TechI to Med Téc II. That was just a letter with my name written on the outside and that was the way I received it.

Q Who was your supervisor?

A Mr. Davies.

MR. GALLAGHER: I object to anything that Mr. Davies knew and did not know.

THE COURT: Sustained.

Q What about the two cards as to the taking of the test? Where did you get those?

A That was with the Civil Service examination. There are lists given to the lab coordinator with various names on them.

You were told that if your name is on the list you are supposed to file for the examination.

Q Did you in fact file for the examination?

A Yes, I did.

Q Did you in fact take the examination?

A Yes, it was Mr. Applewaite who was there who replaced Mr. Davies after my short term as supervisor. That was when Mr. Scimeca said I should take the Med Tec II so they told me to file for the Med Tec I and II.

Q When you say they - -

A Mr. Applewaite and Mr. Scimeca.

Q Mr. Applewaite's position was what?

A Present supervisor.

Q He had replaced Mr. Davies?

A Yes.

Q When did you take the examination? Was it in March of 1972?

A I think it was 1972. I don't remember the month.

MR. SPIZZ: Would counsel stipulate the examination was in March of 1972?

MR. GALLAGHER: I thought it was in December of 1971.

I think the examination was given December of 1971.

Q Did there come a time when you were notified you failed the examination?

A Yes.

Q Was that in March of 1972?

MR. GALLAGHER: The cards speak for themselves as far as the notification.

A That is the other one. That is a different one.

MR. GALLAGHER: 12/4/71?

A Those are the two I was allowed to take.

MR. GALLAGHER: Your Honor, I would stipulate some date after the examination she was notified she failed the examination for Med Tec I and Med Tec II.

Q With respect to Mr. Applewaite who took over from Mr. Davies the supervisor, what were your activities with reference to him?

A Mr. Applewaite was not familiar with our blood bank so

MR. GALLAGHER: Objection again to what Mr. Applewaite was familiar with.

THE COURT: Sustained.

MR. SPIZZ: Your Honor, may I be heard on that objection?

THE COURT: She cannot tell what somebody else knew.

Q Did Mr. Applewaite have any conversations with

you with respect to your job and his job at the Medical Center?

A Yes.

Q When were those conversations held?

A Immediately after Mr. Applewaite came.

Q What was the substance of those conversations?

MR. GALLAGHER: Objection.

Q Do you remember any specific conversations that you had with Mr. Applewaite?

A Yes. I was to continue to make up the payroll schedule and to familiarize him with the ordering procedure of supplies for our department.

Q Was this pursuant to his request or - -

A No, that was with Dr. Sano.

Q Did Dr. Sano tell you to do anything with respect to Mr. Applewaite?

MR. GALLAGHER: Objection to what Dr. Sano says as hearsay.

THE COURT: Overruled.

Q Did Dr. Sano tell you anything?

A I was to be the assistant and help him with the payroll for the other people and the ordering of the supplies.

Q Anything else with respect to his new duties at the Medical Center?

A No, I was then Mr. Applewaite's assistant,as I was with Mr. Davies.

Q How long did you continue as Mr. Applewaite's assistant?

A Until I was discharged in 1973, December 31.

Q 1973?

A Yes.

Q Did there come a time when you applied to take another examination?

A Yes, I was told there was another list with my name on it to take the examination.

Q Did you apply to take the examination?

A Yes, I did.

Q When?

A That was before 1973 because it was after that that I was terminated. I don't remember the exact date. It is on the card.

MR. GALLAGHER: Your Honor, again, I would stipulate that Mrs. Townsend applied to take the examination for Med Tec I and her application was refused on the ground that she did not meet the qualifications for the position.

Q Did you receive the card when you were refused to take the examination?

MR. GALLAGHER: I have conceded - -

Q After you were terminated were you unemployed?

A Yes, I was.

Q For how long were you unemployed?

A I was unemployed until March of 1974.

Q Did you receive any form of compensation from any source whatsoever during that period of time?

A I collected unemployment insurance.

Q Do you recall the dates of your receipt of the unemployment insurance and the amounts thereof?

A The amounts were $75.00.

Q Per week?

A Yes. The dates - - I have my unemployment card and book but I don't remember the dates.

Q Do you have the card with you?

A Yes.

Q Could we have the card, please?

We will get back to that. Meanwhile I will continue with my examination.

Did there come a time when you were called back to work at the Nassau County Medical Center?

A Yes, there was.

Q When was that?

A I was called back around March 15.

Q Of what year?

A 1974.

Q This is your record of unemployment insurance (indicating)?

A Yes.

Q Can you look at that and can that refresh your recollection as to the dates you received your unemployment insurance of $75.00 a week?

A I think the first one here is January 2, 1974.

Q And the last payment you received?

A March 26.

MR. SPIZZ: I'd like to introduce the unemployment record into evidence.

MR. GALLAGHER: No objection.

Q Why don't you tell us about the circumstances of your being called back to work at the Nassau County Medical Center in March of 1974? Who called you?

A Mr. Lehrman. He is in charge of personnel at the Medical Center.

Q Did he write you or call you?

A No, he called me about a quarter of five and asked if I was Mrs. Townsend. I said, yes, I was. He said to report at the Medical Center for work Monday morning.

Q Did you report?

A No, I had a few questions I wanted to know about. I wanted to know what department I would be going in.

Q What did he tell you?

A He said he did not know.

I wanted to know what salary I would be making; what grade I was going back to work under.

He said he did not know. He was told by Mineola that I should be called back to work.

MR. GALLAGHER: I would object to what he said about Mineola as a double-hearsay.

THE COURT: I will take it.

Was this in connection with this litigation or was she hired independently of the litigation?

MR. SPIZZ: We filed the suit after this.

MR. GALLAGHER: In the beginning of this year.

MR. SPIZZ: In 1975. This was all back in 1974.

THE COURT: Proceed.

Q So continue with what happened with Mr. Lehrman.

A He could not tell me anything except what grade I would be going back to work.

Q Did he tell you the grade?

A Yes, I was being called back to work as Lab Tech II.

Q Lab Tech II?

A Lab Tech II, last step.

Q Is that Grade Eight?

A Yes, that is Grade Eight from the sixth to the tenth year.

Q Did you in fact go back to work?

A First I called Mr. Applewaite, the supervisor, because we worked there according to shifts and schedules and I did not know where I was needed or anything about when to report to work. I didn't know if I was to report at 7:00 o'clock in the morning or 3:00 o'clock in the afternoon or 12:00 to midnight.

Q Did you call Mr. Applewaite?

A Yes, I did.

Q What happened as a result of your conversation?

A He said he had not been told anything about it. He would check and let me know whether to come back to work.

Q What happened next?

A I went back to work March 27.

Q He called you?

A Yes.

Q You went back as Lab Tech II, Grade Eight?

A Right.

Q Have you worked there to date?

A I am still working there now as Lab Tech II.

Q What are the duties you are performing as Lab

Tech II?

A As Lab Tech II I am doing the same thing I was doing before except that I am no longer Mr. Applewaite's assistant.

MR. GALLAGHER: Strike that as not responsive to the question.

THE COURT: Overruled.

Q Is there anything different from what you are doing now as a Lab Tech II from what you were doing when you were Med Tech I, Grade Ten, prior to your appointment?

When did you first become a provisional Med Tec I?

A 1967.

Q At that time did your duties differ in any way from your duties today?

MR. GALLAGHER: Objection as leading.

THE COURT: Overruled.

A Are they different now?

Q Is there anything that you did when you were first appointed as Med Tec I that you are not doing today as Lab Tech II?

A I don't teach students and I am not the assistant, that is all.

Q As soon as you were appointed Med Tec I, you immediately started teaching students and you were the assistant to Mr. Davies?

A About that time, yes. But then I was asked to draw donors as well.

Q When?

A That was July or August of 1967.

Q Do you draw donors now?

A Yes, I do.

Q So today you are not teaching students and you are not the assistant to the supervisor.

A No.

Q Is there someone who has the position now?

A Drawing donors?

Q Assistant to the supervisor.

A Yes.

Q Who?

A Mr. Gervais.

Q Do you know his title?

A He is a Med Tec III now or Med Tec II.

Q Do you know what his grade is?

A Twelve or thirteen.

Q Could it be higher?

MR. GALLAGHER: Objection as leading. She answered the question.

MR. SPIZZ: I'd ask counsel if he knows it is thirteen or if he would be willing to stipulate that

Mr. Gervais is a Grade Thirteen.

MR. GALLAGHER: I don't know.

Q Mrs. Townsend, are you doing anything with respect to the donor room as of now?

A Yes, I cover it when the nurse is out, when she is ill or on occasions or something like that.

Q What are your duties when you are covering when the RN's are in?

A Same as my training; screen the donors, determine which donors are eligible to be taken and draw the pint of blood that they came to donate.

Q Does anyone else in the lab cover the donor room?

A Three other people who cover it are there.

Q Do you know the names?

A Gene Bush who draws donors is a Lab Tech II.

John Gervais, which I was not sure, but his title - -

Q Yes.

A There is Karen Curry who is Med Tec I and she is on leave. But she does draw donors.

Q Would you be willing to assume the duties that you have previously performed when you were supervisor if the opportunity was given to you and the pay was given to you?

A I was not really interested in being the assistant supervisor. I would just like to be paid the salary other

people are being paid for doing the same job.

MR. GALLAGHER: Objection as not responsive to the question.

THE COURT: Anything further?

MR. SPIZZ: May I just have one moment?

Q With respect to your donor room activities, when you do those activities are you alone or are you with other people?

A No, alone.

MR. SPIZZ: I have nothing further of this witness.

THE COURT: Any cross-examination?

MR. GALLAGHER: Yes.

CROSS-EXAMINATION

BY MR. GALLAGHER:

THE COURT: We have to break at 5:00 o'clock promptly because I have a meeting of the judges so please try to be succinct if you can.

MR. GALLAGHER: Yes, your Honor.

Q Mrs. Townsend, I believe you said you left your employment in Hollywood, Florida in February or March of 1965.

A Yes.

Q Why did you leave?

A We moved here to New York.

Q Did you receive interviews at Nassau County Medical Center prior to commencing employment at Mercy Hospital in 1965?

A Yes, I did.

Q You said that you worked at Mercy Hospital for a brief period of time; is that correct?

A Right.

Q Could you explain for us the circumstances under which your employment began at the Nassau County Medical Center?

A Circumstances? I don't understand.

Q You filed an application before you went to work at Mercy and then you went to work at Mercy.

Some time thereafter you became employed at the Medical Center. How did that come about?

A I applied at the Medical Center first. I was told that I would be replacing a technician in the blood bank. She had given notice but she was still working. So I was to start working after she left.

In the meantime there was an ad in the paper for a part-time job for Mercy Hospital. So I applied for that while waiting to begin at Nassau County Medical Center.

Q Did you receive word some time thereafter from Nassau County Medical Center?

A Yes, I did.

Q And who contacted you?

A Mr. Gervais. I saw him quite often.

Q I noticed that during the course of your testimony you had been looking at a yellow sheet of paper.

A Yes.

Q Did you make notes prior to coming here today?

A Yes, I did.

Q When were they made?

A Yesterday.

Q Were they for the purpose of refreshing your recollection?

A There is an awful lot of dates and it is kind of hard to keep it all straight.

Q Could I see the notes?

A Sure.

Q Do you recall what the title of the position you occupied was when you began employment at the Nassau County Medical Center?

A Lab Tech II.

Q Could it have been laboratory technician?

A That is the same.

Q Were you working full-time when you first began employment at the Nassau County Medical Center?

A Yes, I was.

Q For how long a period did you work as a laboratory technician full-time?

A I worked for about a year and then I asked to be transferred to part-time.

Q What did you work when you were working part-time?

A I did not work. I was expecting my third child and I preferred working shorter hours.

Q Did you in fact work?

A Yes.

Q Where did you work and what hours?

A Nassau County Medical Center part-time instead of full-time. When you work part-time you work when someone calls in sick or if it is a busy day and they need more than the regular people.

Q Did you have any scheduled hours in addition to what they might say in addition to other people coming to work?

A Could you repeat that?

Q Did you have any specific time when you were to report to work as a part-timer with respect to being subject to the availability of other people?

A No.

Q For how long a period of time did you work as lab technician or on a part-time basis?

A Around January.

Q January of what year?

A January of 1967, January 5th, 1967. These dates and notes are from the payroll schedules at work.

Q What position did you work in then after January of 1967?

A I went back as lab technician and after the Crescent I was given the Med Tec I.

Q Now, you mentioned in your testimony earlier you were interviewed at the hospital by people around the time of the Crescent? (Correct)

A Yes.

Q Do you recall who it was who interviewed you?

A No.

Q Do you recall what you said to them and what they said to you during this course of the interview?

A They watched the work that I did and asked certain questions about what do you do here and why is this. It is like a state inspection. They look at the job that is being done and they do not understand. They ask a question.

Q How many people come to see you?

A She saw everyone at the same time. You didn't have a private interview.

Q They were only in there for a couple of hours? Didn't you also fill out a questionnaire for the Crescent survey?

A No.

Q Then in July of 1967 you became a Med Tec I?

A Yes.

Q Earlier you stated that you received a letter telling you that you were promoted to the position of Med Tec I.

A Yes.

Q Do you have a copy of that letter?

A It is not promoted. That is the letter over there. If you are given a higher grade, I was a lab tech and then I was a med tech. There is a difference in salary and difference in the grading system.

Q Which letter is that, Mrs. Townsend, that you are referring to?

A The one from Adele Leonard about me being appointed.

Q But the word "promoted" that you used before is a word that comes from your own conception of what happened in moving from one job to the other?

A Yes. Not job, just title and salary.

Q Nobody in the Civil Service Commission told you it was a promotion?

A No.

Q You were also informed at that time, is it not correct, that you had to take an examination for the title and you had to be appointed from an eligibility list; were you not?

A Yes.

Q Were you also informed that the first examination after you assumed it was in 1969?

A Whenever I took the first one was when I was told by the lab coordinator that my name was on the list of people to take the examination. That was the one I failed.

Q When did you first find out that a qualification for the position of Med Tec I was to have either certification by the American Society of Clinical Pathologists or a Bachelor of Science degree?

A When I was informed I could not take the second examination.

Q In 1973?

A Yes.

Q Did you ever look at the job specifications for the position of Med Tec I prior to that time?

A No.

Q Did you ever request it?

A No, there was no need.

MR. GALLAGHER: I move to strike "there was no need" as not being responsive.

Q Did you ever enroll in any college or university?

A No.

Q Isn't it a fact that after you were terminated from your employment as Med Tec I in January of 1974 you were offered a position at the Medical Center?

A After I was terminated in December?

Q Right. That you were immediately offered a position?

A No, in fact I was informed by mail that I was terminated.

Q Could you tell us when you commenced employment for the second time around March of 1974, what your duties were in the position of Lab Tech II?

Exactly what did you do?

A Well, I drew donors. I do cross-matching, I do typing and special studies, that is, finding out what antibodies that special patients have. I do typings on maternity patients that come into the blood bank. If the maternity patients have special problems I have to find out what the problem is to show the doctor how the treatment of the patient should go. If there is an antibody I have to find out

the extent of it. Basically I do the same kind of work that I was doing prior to discharge.

MR. GALLAGHER: I move to strike after "basically."

THE COURT: I'll allow it.

Q During the time that you were acting supervisor of the lab prior to the termination of your employment in 1973, who was your medical supervisor?

A Medical supervisor would be the lab coordinator or lab manager, Mr. Al Scimeca.

Q Between the time that you were terminated from your employment in December of 1973 and you came back to the Medical Center in March of '74, did you undertake to get another job any other place other than the Medical Center?

A No.

MR. GALLAGHER: I have no further questions.

MR. SPIZZ: Your Honor, I just want to point out: Number one, with respect to a document, I have subpoenaed Mrs. Townsend's personnel folder from the Nassau County Medical Center. I checked with the Clerk's Office - -

MR. GALLAGHER: I have it. They were late in delivering it.

MR. SPIZZ: I would like to introduce that as one of the plaintiff's exhibits.

I have one question on redirect.

THE COURT: Admitted.

REDIRECT EXAMINATION

BY MR. SPIZZ:

Q With respect to the changeover from when you went to Lab Tech II to Med Tec I, how specifically were you informed of the change in title, grade, salary; how did you hear about it?

A By that letter.

Q This letter?

A Yes.

Q Was this letter received prior to your receiving a change in salary at the same time or subsequently?

A Some time afterward. The only way that I knew there was a difference was because there was a difference in my paycheck.

Q You were receiving a higher salary prior to the receipt of this letter?

THE COURT: By this letter you mean Plaintiff's Exhibit 2.

Q Mrs. Townsend, have you ever taken and passed an examination administered by the Nassau County Civil Service Commission for any position at the Nassau County Medical

Center?

A (No response.)

Q For the record, what is your racial background?

A Black.

MR. SPIZZ: I have no other questions.

THE COURT: That will be all.

Next witness.

MR. SPIZZ: My next witness is Linda Swaid.

By the way, with respect to the documents I am going to be offering into evidence for the rest of the case, I have shown all the documents to Mr. Gallagher and given copies of certain documents and asked him to verify some information which he can obtain from the County.

I will trust that he will be doing that.

THE COURT: Mark the file as Plaintiff's Exhibit 7.

L I N D A S W A I D , called as a witness, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

THE COURT: You must keep your voice up.

DIRECT EXAMINATION

BY MR. SPIZZ:

Q Miss Swaid, what is your address?

A 389 Clear Meadow Drive, East Meadow, New York.

Q Miss Swaid, are you employed?

A Yes, I am.

Q Where are you employed?

A Nassau County Medical Center Blood Bank.

Q What title do you hold?

A Med Tec I.

Q The grade?

A Ten.

Q Grade ten?

A Right.

Q How long have you held that position?

A Since 1968.

Q Did you hold any other position in the laboratory tech field prior to coming here?

A No, I did not.

Q Was that the first position you received, Med Tec I?

A Yes, it was.

Q What is your education post-high school?

A I have an associate degree in biology from Nassau Community College. Then I went into the ASCP training program at the hospital and then I went back and got the bachelor of science degree in Med Tec.

Q In Med Tec?

A Right.

Q Are you familiar with the present ASCP requirements to get certification?

A Tne present one now, yes. Yes, I am.

Q Could you indicate what they are?

A You now must be in a degree granting program upon completion of your year of training. You must receive a bachelor's degree and then pass the certification examination.

Q Have you done all that?

A When I was in training you did not have to be in a degree-granting program at that point. You only needed three years of college plus a year of training.

Q Do you know Mrs. Margaret Townsend?

A Yes, I do.

Q When did you first meet her?

A When I was a student in the hospital program.

Q When was that?

A July of 1967 to July of 1968.

Q What was the nature of the relationship with Mrs. Townsend at that time?

A She was working in the department and I was a student trainee.

Q Was she ever involved as a teacher with you?

A At that point it was Mr. Gervais but if he was not around, if there was any problem, I was free to ask anyone.

Q Did you have occasion to ask Mrs. Townsend about problems?

A Most likely at that point, yes.

Q Did she have any position, supervisory position, at the blood bank while you were working at the blood bank?

A As a student?

Q Yes.

A Yes, as to Mr. Davies.

Q In other words, while you were a student and she was the assistant supervisor of the blood bank?

A That was where I was in training. We were in different departments. We train in various departments.

Q Where do you work now?

A Blood bank.

Q Have you worked in other places besides the blood bank?

A No.

Q Do you know if Mrs. Townsend or what other students Mrs. Townsend might have trained?

MR. GALLAGHER: Objection, your Honor, to might have trained.

Q Do you know what other students Mrs. Townsend

trained?

A Off hand exactly, no. I don't know exactly what the names of the students were before me when Mrs. Townsend had them. The students after me when she was there may be students in my group that she did train.

MR. GALLAGHER: I move to strike everything but the statement that there were students in her group that she did train.

THE COURT: Granted.

Q Do you know an individual John Gervais?

A Yes.

Q What does he do?

A He is the assistant to the supervisor.

Q Do you know anything about the relationship that he had with Mrs. Townsend when she was assistant supervisor?

A He was under her work-wise.

Q Did she have anything to do with his training?

MR. GALLAGHER: Objection as leading.

THE COURT: I will allow it.

A Mr. Gervais was in the year before I was a student so I was not there at the time of the training.

Q You don't know?

A No.

Q I am going to show the witness five documents.

They are the Nassau County classification for the position of Lab Tech II, Med Tec I, Med Tec II, Med Tec III, and Registered Nurse I.

I have previously shown these documents to Mr. Gallagher and he indicates he will have no objection to admission in evidence.

At this time I offer them in evidence.

THE COURT: Admitted.

MR.GALLAGHER: Your Honor, the only objection I would have is they are not relevant to the lawsuit. As far as the authenticity of the document I have no objection nor any objection on the grounds of relevancy to Lab Tech - - but Nurse - -

THE COURT: She said she fills in for the nurse. I will allow it.

Do you want them marked separately or together?

Mark them as one unit.

(Documents marked as Plaintiff's Exhibit 8 in evidence.)

Q Will you take a look at the five specifications, Miss Swaid? Have you seen these before?

A I have seen the one for the Med Tec I and II.

Q Let us look at Med Tec I which is the job that is at issue in this case.

What is the current job you are performing?

A Right now?

Q Yes.

A Med Tec I.

Q Do you hold a permanent appointment to that position?

A Yes, I do.

Q For how long have you held that permanent appointment?

A I took and passed the 1971 examination.

Q You work as a Med Tec I in which lab?

A Blood bank.

Q Have you ever worked in any other lab?

A No.

Q Only blood bank?

A Right.

Q How many labs are covered by the Med Tec I specification which you hold in your hand?

A All of the labs.

Q How many is that?

MR. GALLAGHER: Your Honor, the document speaks for itself. It has a list.

A Roughly ten.

Q Roughly ten?

A Yes.

Q Referring to the typical duties listed on the face sheet of the Nassau County Classification for Med Tec I, in your opinion what is the relationship between the typical duties listed there for the position and the duties which you have been performing for the past couple of years as a permanent Med Tec I?

MR. GALLAGHER: Objection as calling for a conclusion.

THE COURT: I will permit it.

A Well, the only thing actually related to the work I do would be the performing of diagnostic technical work in the field and keeping records and making the reports. There is no actual point-blank work that I do.

Q Which, in your opinion, of the typical duties would cover the job that you do?

A Numbers 4 and 7.

Q You work with Mrs. Townsend?

A Yes, I do.

Q Do you know if she does jobs covered by Numbers 4 and 7?

A Yes, she does.

Q Would you say she does them as well as you do or better than you do or what?

A She trained me the way I should do them.

Q In respect to the other duties 1 through 6, did those have any relationship to your job in the blood banking lab?

MR. GALLAGHER: Objection.

THE COURT: Overruled.

A No, it does not.

Q Referring to Med Tec II typical duties listed 1 to 4, do any of those duties apply to what you do as a Med Tec I?

A Number 2.

Q Number 2 which performs difficult and special experiments in the field of specialization. That would refer to blood banking?

A I would assume.

Q Do you know if Mrs. Townsend does a job that would be covered by typical dutes under Number 2?

A Yes, she does.

Q Did Mrs. Townsend do anything else here covered by Med Tec II that you do not do or she is capable of doing having worked and your having been trained by her?

MR. GALLAGHER: Objection on whether she is capable.

A After I was a student she was the one who broke me into

the lab. Everything I can do I know she is able to do. She was the one who showed me how to do it.

Q With respect to Med Tec III, typical duties 1 through 6, would any of those apply to your work or to Mrs. Townsend as a Med Tec I?

A Yes.

Q Which ones?

A Mrs. Townsend had trained students and until recently I was training the students and that would be Number 6.

Q Number 6, directed students in special field.

Do any of the other duties apply to the Med Tec I position?

A A Med Tec I being sort of interdepartment senior technician, everyone having the same title, you are expected to supervise the others.

Q Number one supervisors the subordinates in a specialized field referring to regular nurse classification.

Are any duties - - would they cover your job in any way as a Med Tec I?

A No, I don't take any donors. No, I don't take any of those functions.

Q Are you able to cover in the donor room?

A I was not specifically trained for it.

THE COURT: Have you ever done it?

THE WITNESS: You cannot draw donors unless you are trained.

Q You are not permitted to do that kind of work?

A No.

Q Were you at the Nassau County Medical Center as a Med Tec I when Mrs. Townsend was assistant supervisor, acting supervisor?

A Yes, I was.

Q And you worked under her supervision?

A That is right.

Q For how long?

A From the time I was first hired basically until she was terminated.

Q Were you aware of the duties that she performed then?

A Yes.

Q Are you aware of the duties she performs today?

A Yes.

Q Could you indicate what differences, if any, there are between the duties she performed when you worked under her and the duties she performs today?

MR. GALLAGHER: Objection as leading. It seems to me that she could say exactly what the duties were.

THE COURT: I will permit it.

A Technical work she is performing the exact same now as then. The only difference is she is no longer doing the administrative work.

Q Could you think of one technical thing that she did then, referring to when you first came to work in the agency prior to her termination and what she is doing today?

A One thing?

Q One thing that she was doing then in the technical area that she is not doing today. Can you name one such thing?

A Nothing.

Q Could you name one thing that she was not doing then that she is doing today in the technical field?

A No, pretty much the same thing. She is not teaching now.

Q The teaching was in connection with her supervisory duties?

A Well, it is not relegated to one person specifically. It is passed from person-to-person.

Q Would you characterize the duties that she is performing today or please list them?

A She is doing blood-typing, cross-matching, maternity studies, antibody screening, antibody identification, antibody inventory work. She does draw donors.

Q With respect to the field of cross-matching of the blood, are there any special difficulties involved in

that process?

A Very many.

Q Such as?

A Well, in blood banking there is no number values so it is a complete determination of the mixture of the two bloods that we are seeing to make sure there is no agglutination.

Q What if an error is made in a matching of blood?

A The patient can have a serious reaction.

Q What could happen?

A A patient can expire.

Q What degree of supervision does Mrs. Townsend receive on the job in her position?

A There is not anyone constantly standing over you and watching you.

Q Does she sometimes make cross-matching decisions that are unsupervised?

A Definitely.

MR. GALLAGHER: Objection.

THE COURT: Overruled.

A Yes.

Q Could you indicate anything else that would characterize any other significant decisions which she makes which are unsupervised?

MR. GALLAGHER: Objection.

THE COURT: Overruled.

A Any blood-typing is a decision you have to make. As I said, there are no numbers. It is only a matter of judgment and decision.

THE COURT: Could you bring it to a close so we can give counsel a chance?

Q Could you recall any special problems or methods that Mrs. Townsend might have to handle being unsupervised?

A Yes. Being the County Hospital we get any major emergencies that have to come in.

Q Such as?

A An auto accident or severe burn.

Q What would be her duties with respect to that?

A If she is the only one on at that time, which sometimes happens with our scheduling, she would be responsible for doing all the technical work to prepare the blood for the doctor or for what the doctor requires and handle all the paper work.

Q Would that be anything different from what you would do?

A No, exactly the same thing.

Q Is your work any more complicated or technical?

A No.

Q Any greater degree of knowledge?

A No.

Q Any greater degree of education?

A Not really.

THE COURT: What do you mean by not really?

THE WITNESS: You are supposed to know the background in doing and understanding the work. A formal education is not really the requirement of it. It is more in the training that you learn what you are doing and why you are doing it.

MR. SPIZZ: No other questions.

CROSS-EXAMINATION

BY MR. GALLAGHER:

Q Miss Swaid, you said you have a Bachelor's degree and are certified by the American Society of Clinical Pathologists.

A Right.

Q Could you describe to the Court exactly how you became certified for the American Society of Clinical Pathologists?

A I went for three years to a college and then I went into a year's training course at the hospital, internship, and at the completion of that I was eligible to take the national examination.

Q What did the internship at the hospital consist of?

A It consisted of different training periods in each laboratory plus we had theory lectures.

Q How long were the training periods?

A They varied from lab to lab.

Q How much training did you have in the blood bank?

A Blood banking, four weeks.

Q How many hours a week?

A Thirty-five hours a week minus theory courses that w had which were only about three hours a week.

Q After the training program you took an examination?

A Right.

Q You passed the examination?

A Right.

Q Wouldn't you say that taking the training program and ASCP has helped you do your job better?

A No, because I was hired for the job before I took the examination.

Q From the very beginning of your employment at the Nassau County Medical Center, you say you were working with Mrs. Townsend?

A Right.

Q Did you also work the same shifts?

A At the beginning we did.

Q For how long a period of time did you work the same shifts?

A From when I started in 1972.

Q What shift was that?

A Monday through Friday, 7:00 o'clock to 3:00 o'clock.

Q How many other people worked in the lab on that shift for that period of time?

A At the beginning it was just Margaret and myself and Mr. Davies and then one more who came in after that.

Q What did you observe that Margaret was doing as far as duties were concerned during that period of time?

A Doing the same work I was doing.

Q What exactly?

A She was typing, cross-matching, doing special studies work in antibody identification, maternity studies and drawing donors when needed.

Q After 1972 did you go on different shifts?

A Then we began a rotation of shifts.

Q Did you ever work with Margaret between 1972 and 1973?

A Yes.

Q How often would you say you worked with her?

A Three out of five weeks, four out of five weeks, at that

point.

Q How many people were working in the lab at one time during that period of time?

A Within the lab on one shift?

Q Right.

A No more than three.

Q What position did they occupy?

A Med Tec I.

Q All were Med Tec I?

A Yes.

Q What was his title?

A Med Tec III - - no, it was the same, supervisor, Mr. Applewaite.

Q What race is Mr. Applewaite?

A He is black.

Q I show you a job sepcification for the position of Laboratory Technician II and I ask you whether any of the typical duties enumerated there are consistent with the work that Margaret Townsend is now doing.

A Possibly Number Nine, Reviews and Prepares Reports and Lab Analysis and Activity.

Q She does not do any supervisory work of laboratory technicians?

A No, she and Mrs. Bush are the only laboratory technicians

in the department.

Q Doesn't she make cultures and isolate them - -

A No, that is the bacteriology department.

Q Now, since Mrs. Townsend returned to the Medical Center and blood bank in March of 1973 have you been working in the same shifts?

A We are still on a rotational basis so sometimes we are and sometimes we are not.

Q How often during the course of a week?

A Within one week, if it is the same week that I am on, it would be the entire week.

Q How often are you on the same shift?

A Between three out of five and four out of five weeks.

Q What have you observed her doing during the course of the time you are both on the same shift in the way of duties?

A She is performing the same work I am doing.

Q What exactly?

A Typing, cross-matching, antibody studies and if called upon, she draws donors.

MR. GALLAGHER: I have no further questions.

REDIRECT EXAMINATION

BY MR. SPIZZ:

Q Do you draw donors?

A No, I do not.

THE COURT: Do I understand you as indicating that you feel that your work as a college student for preparation was all in a sense wasted?

THE WITNESS: The college education I received was basically liberal arts with a biology background. I did not receive any special lab training actually until I went on. Learning about plants did not particularly help me to study the human body.

THE COURT: You don't feel that any of that education was of basic assistance to you?

THE WITNESS: It was a background but nothing that specifically helped me with what I am doing.

THE COURT: It could have been for any other field in the sciences?

Do you think it made you more flexible and a better worker in this field?

THE WITNESS: Not really because the only training I really got in the lab field was working with specimens and working with humans. That was in the training program at the hospital.

THE COURT: Do you do any reading in the literature of your profession now?

THE WITNESS: Yes, I do.

THE COURT: Does that background help you read the literature?

THE WITNESS: Yes, I am able to join the different organizations that send out the literature.

THE COURT: You do keep current in your field?

THE WITNESS: I try, yes.

THE COURT: Have you ever seen, as the result of your basic science training, things in the laboratory that you did not care for,or made suggestions?

THE WITNESS: I don't know what you mean by that.

THE COURT: You were trained as a generalist. Have you, as the result of your broader background, seen things in the lab that you did not like or made suggestions?

THE WITNESS: It would not have helped if I made suggestions anyway.

THE COURT: Why not?

THE WITNESS: There is so much red tape that you have to go through - -

THE COURT: So your feeling is that for the kind of work you are doing that the qualifications may well be high school or no high school?

THE WITNESS: I have seen people who have worked just from on-the-job training. They might not under-

stand when a question is asked what the answer is but there are always books available to look it up in. The actual technical work has to be on the job. They cannot teach you a decision out of a book.

THE COURT: I take it, based on your experience, if you were drawing the qualifications you would not require a graduate degree or certification?

THE WITNESS: In the way the hospital is set up now, no.

THE COURT: Should it be set up differently?

THE WITNESS: When you work in one department - - where working somewhere else you might work in numerous different fields of it. Since I have worked in blood banking for all that time I feel the knowledge I have received in other departments has just gone by the wayside and I haven't used it in years.

THE COURT: That is because Nassau County Medical Center is so specialized?

THE WITNESS: Right.

THE COURT: They use so much red tape they don't draw on the general knowledge and experience?

THE WITNESS: The work load is so vast you are there to perform your function.

THE COURT: Like an assembly line?

THE WITNESS: Pretty much, yes. You have to get to the point where you are doing the work in your sleep. Basically, if there is an emergency you can't think. You must do it on the spot.

THE COURT: All right.

RE-CROSS EXAMINATION

BY MR. GALLAGHER:

Q Did you pass an examination for your position in Med Tec I?

A Yes, I did.

Q When did you take that examination?

A 1971.

Q When you first began your employment?

A No one said you were a provisional or permanent or anything like that. They said that this is your job title.

Q When you took the examination in 1971 were you aware of what the requirements were for the position?

A Yes, I was.

Q Don't you feel that in reading the literature and going to college and being educated in the general curriculum helps you in understanding the literature?

A I can't see how a course in sociology or philosophy could help me.

Q What about biology?

A I had a basic biology course.

Q Don't you think that helps you in reading any literature relevant to your job?

A No, working in the field helps you understand that.

BY MR. SPIZZ:

Q The requirements for a B.S., does it specify anything as to majors or fields of study necessary to get the job to be able to major in a field of specialization? Or, is all that is required a B.S. degree?

A It might be a B.A. degree.

Q Are any particular subjects required?

A No.

Q You just happen to have taken biology?

A I had decided what I wanted to do.

Q You would have had to have taken a B.S. degree?

A No.

Q Where did you go to college?

A Post.

Q How much science is required at Post for a B.S. degree?

A I don't know. I had taken most of the majors at Nassau County.

THE COURT: Do you feel you are overqualified for your job based on your education?

THE WITNESS: For the things that I am doing now, yes.

THE COURT: Do you resent the fact that you have taken it?

THE WITNESS: I might eventually use it some day. I can't pick up something and read it in a different field and understand it.

THE COURT: Thank you very much.

10:20 tomorrow.

(Whereupon, the hearing was adjourned.)

* * *

125A

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------x

MARGARETTE TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY CIVIL SERVICE COMMISSION,

Defendant.

75-C-294

----------x

United States Courthouse
Brooklyn, New York

September 23, 1975

B e f o r e :

HONORABLE JACK B. WEINSTEIN, U.S.D.J.

RAYMOND P. STALKER
ACTING OFFICIAL COURT REPORTER

Appearances:

HARVEY SPIZZ, ESQ.
Attorney for Plaintiff

JAMES GALLAGHER, ESQ.
Attorney for Defendant

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THE COURT: Civil cause on trial, Townsend against Nassau.

THE COURT: Call your next witness, please?

MR. SPIZZ: Frank Applewhaite

F R A N K A P P L E W H A I T E, have him called as a witness on behalf of the plaintiff, having been first duly sworn by the Clerk of the Court, was examined and despite as follows:

DIRECT EXAMINATION

BY MR. SPIZZ:

Q Mr. Applewhaite, what is your present address?

A 474 Madison Street, Westbury, New York.

Q May I ask you your age?

A 58.

Q Can you tell us your educational background?

A I have a Bachelor of Science Degree from Howard in Zoology in 1949. A Master's Degree from C. W. Post in 1968.

Q What field was your Master's Degree in from C.W. Post?

A In biology.

Q Any specialization of biology?

A Hematology.

Q Now, are you certified in the field of medical technology by the American Association of Clinical Pathologists?

A No.

Q Do you have any other kind of certification in that field?

A Yes, I do.

Q Would you indicate what it is?

A I have a Director's Certification for transfusion technology by the City of New York, Department of Health.

Q In terms of professional qualifications in the field, how would such a certification compare with a certification in the field of medical technology in BASTC.

A Well, as far as I am concerned this is a higher qualification than can be attained in the medical technology field of BASTC.

Q Where are you currently employed?

A At the Nassau County Medical Center.

Q In what Department?

A Blood Bank.

Q And how long have you been employed at the Nassau County Medical Center?

A I would say in November it will be, November 30th of this year will be five years.

Q And during that time have you been employed only in the Blood Bank or any other laboratories?

A Only in the Blood Bank.

Q Where did you work before you came to Nassau County Medical Center?

A Kings County Hospital Center in Brooklyn.

Q And how long did you work there,?

A At least twelve years.

Q In what capacity did you work there?

A As supervisor of the Blood Bank

Q What is your present position at the Nassau County Medical Center?

A The position is Medical Technologist 3. It is a position of supervisor of the Blood Bank.

Q I see. How long have you been supervisor of the Blood Bank?

A Five years.

Q Could you indicate briefly, sir, your duties as supervisor of the Blood Bank?

A Well, to handle all the transfusions and related technical problems. Scheduling of staff and so on.

Q Are you in charge of the overall direction and quality control of employees in the laboratory?

A I supervisor of the Blood Bank, the Blood Bank is under the direction of the Medical Director. I am not a Medical Director. I am a supervisor.

Q Who is the medical director?

A Dr. Edward Sano.

Q You are directly under him?

A Yes.

Q And the other employees are therefore under you?

A Yes.

Q Do you know, Mrs. Margaret Townsend who is the plaintiff in this matter?

A Yes.

Q How long have you known her?

A From the time I was employed there, which is at least approximately five years.

Q In the professional capacity within which you have known her, what has been her relationship to you, professionally, over the years, what position has she served in with you?

A Well, she has served as assistant supervisor up to I would say 1972 or 3.

Q While she was an assistant supervisor, sir, are you aware of the duties that she performed?

A Yes.

Q Could you indicate what they were?

A Well, she assisted me wherever possible and in my absence she was responsible. She performed the duties that were expected of her in the Blood Transfusion service.

Q During her employment with the Medical Center, while she was an assistant supervisor to you, and even to date, has she ever performed the duties of medical technologist 1?

A Yes.

Q You are familiar with the duties of medical technologist 1?

A Yes.

Q And in your opinion is she capable, has she performed the duties of a medical technologist 1?

A Certainly.

Q How would you rate her performance of those duties?

A Most satisfactory.

Q Now with respect to when you first came to the Nassau County Medical Center, and Mrs. Townsend was your assistant supervisor, at that time did you have any reason to deal with Mrs. Townsend in any kind of special manner differently than you would for example to day? Could you have any special needs at that time?

A Well, of course. If you come to the Nassau Civil Service System, one has to learn the working of it. The person from whom I got my information was my immediate predecessor, who was Mrs. Townsend.

Q I see. Did there ever come a time when you were absent from the laboratory as supervisor?

A Oh, yes.

Q How frequently would that occur?

A Well, I know at least the weeks that I took off to attend the annual meeting of the American Association of Blood Banks.

Q And who was in charge in your absence?

A Mrs. Townsend.

Q Since you come to Nassau Medical Center you have been a medical technologist?

A Yes.

Q What grade, sir?

A I think Med. tech. 3 is equivalent to a grade 15. I am not sure.

Q How many people do you have working in your laboratory, under you today?

A I would say there are about fourteen.

Q And you are a med tech 3. Are there any med tech 2's?

A Not at the present time.

Q Are there any med tech 1's in the Blood Bank?

A Yes.

Q Could you indicate who they are?

A One is Linda Swade. 2 is Evilyn Cascia, 3 James Valenti.

Q Do you know if all of those individuals possess B.S. Degrees or a A.S.C.T. Certification?

A I know two of them do. I am not sure about Mr. Valenti. But I believe he does.

Q Do they perform any duties different from those that are performed by Mrs. Townsend.

A No.

Q Did they perform more duties than Mrs. Townsend performs?

A They do all the work that is expected in a Blood Transfusion Service. Every one does the same work.

Q In your department?

A Yes.

Q Regardless of title?

A Except for the one who is currently assistant supervisor. The rest of the people do the same work.

Q While you were away on leave and Mrs. Townsend took over for you, how did you feel about that?

MR. GALLAGHER: Objection.

THE COURT: I don't understand the question. Sustained.

Q When you had to make the decision to go on leave and leave Mrs. Townsend as acting supervisor, in your pro-

fessional opinion, was the laboratory going to be runned properly and taken care of?

A Yes. Because there is a medical director available for consultacion. Therefore that is very helpful. It would be to her

Q Are you aware of Mrs. Townsend's education background and her training background in the field of Blood Banking?

A I don't know exactly what her education is. I know she does not have a degree.

Q In view of the fact she does not have a degree, sir, do you feel that this in any way hinders her ability to perform a medical technologist 1 --

A No.

MR. GALLAGHER: Objection.

Q Can you indicate, sir, the kind of decisions that you as supervisor of the Blood Bank would be called upon to make in the area of technical knowledge during the course of your duties in the Blood Bank, as supervisor or tipical major decisions that you would have to make?

A Well, there are many. 1. How much blood to order. What blood to use in case of shortage or it there is insufficient type for a specific type of patient. Whenever there is a cross match problem, some decision has to be made.

These are not independent decisions because even though I may have to make a decision like that, it is always done in consultation with the medical director.

Q The medical director is a doctor?

A Yes.

Q Do you have occasion to disagree with the decision of the medical doctor?

MR. GALLAGHER: Objection.

THE COURT: I will permit it.

Q You may answer the question.

A Even if I disagree it makes no difference. His instructions, it's his responsibility, he is the responsible party and his directions have to be followed.

Q Have you ever voiced a disagreement with the medical doctor?

A The occasion has never arisen where I had to do so.

Q Have you taken any of the Civil Service examinations in the Nassau County Civil Service System?

A I have.

Q Which ones have you taken?

A I took the Med Tech. 3.

Q That is the only one you have ever taken?

A Yes.

Q How many times have you taken it?

A Twice.

Q I gather you did not pass it the first time.

A Right.

Q You took it a second time?

A Yes.

Q Do you recall the contents of the examination --

MR. GALLAGHER: Objection.

THE COURT: What is the point of this?

MR. SPIZZ: I am going to bring out that the examinations that are given in the field of medical technologists cover about I think about ten different fields. Very little is covered in the area of Blood Banking and therefore the examination is unfair and un-job related.

THE COURT: Your client never took the med tech. 3 examination.

MR. SPIZZ: She told us the medical technologist 1 and 2 examinations I believe, there is not too much of a difference between the e xaminations.

THE COURT: You will have to talk about those. I am not going to permit this witness to testify on the point.

MR. SPIZZ: Can I ask him if he is familiar with the med tech 1 examination?

13 Applewhaite - direct

THE COURT: You may.

Q Mr. Applewhaite, have you any familiarity with the med tech 1 and 2 examinations?

A I think I have.

Q Can you indicate the basis for your knowledge of those examinations?

A If I remember well, the examinations are given, certain of the questions have to be answered by the med tech 1 and 2, med tech 3 and that there are questions in the med tech 3 that the others, 2 and 1 do not have to answer.

Q I see. Do you recall the areas that are tested on the examination, general areas?

MR. GALLAGHER: Your honor, I am going to object to this line of questioning.

THE COURT: I think we must have the examination. I think that would be better than this witness' recollection. When did you take the examination?

THE WITNESS: It must be December of 1973 or December of 1972. I can't recall the exact date.

THE COURT: I won't permit. Go ahead.

Q Do you know if while Mrs. Townsend was assistant supervisor under you she had any duties with respect to the training of students?

A Well, it could be. But there are other persons

who went there and who trains students.

Q Was she training students at any time when she worked under you?

A Who is that?

Q Mrs. Townsend.

A It is quite possible, but not specifically.

Q Are you familiar with any activities that Mrs. Townsend has had with respect to the donor program?

A Yes. She is working there.

Q In what capacity, sir?

A As a Phlebotomist.

THE COURT: As a what?

THE WITNESS: Phlebotomist. That is a person who draws blood.

Q In that capacity would she be performing a technical function of a med tech 1 or would this be a tipical function of some other title?

A The job itself in the County is done by a registered nurse. But whenever she is not available, a technologist trained in this field can take her place. Whoever it happens to be.

Q Can you indicate what duties that Mrs. Townsend performs at the Medical Center that would be performed by a registered nurse?

A Well, as I said, --

MR. GALLAGHER: Your honor, at what point in time was Mr. Spizz talking about, prior?

Q At the present time.

A If she happens to be assigned to work in the Donor Room, she would do that. The function at the Donor Room, which is not specifically that of a registered nurse, but a trained person. Whether a registered nurse or medical technologist.

Q Are all the people who are in your department as med tech 1's or in the lab.tech category capable of covering in the Donor Room?

A No.

Q How many people work under you altogether?

A About fourteen.

Q How many are capable of covering in the Donor Room?

A I would say about the majority. Only about one or two that would not work in there.

Q Do you all hold a med tech 1? Are any of them unable to work in the Donor Room?

A Yes.

Q Who.

A Linda Swade.

Q Now, you recall that Mrs. Townsend was fired?

A Yes.

Q And you recall she was rehired?

A Yes.

Q When she was rehired, what was the job that she was given, the title?

A The title was that of a grade 8.

Q Lab tech. 2?

A Lab tech. 2, yes.

Q And the function that she performed in that title, what are they in relationship to the functions she had performed prior to her termination as a med tech. 1?

A It is the same.

Q Exactly the same?

A Yes.

Q Are you familiar with the job specifications for medical technologist 1?

A I couldn't tell you. I haven't see the specifications recently.

Q May I have those exhibits, I think it is plaintiff's 8. These are the exhibits. These are the lab specs for lab tech, medical tech, med tech 3 and RN.: Working specifically at the duties listed for med tech 1, based on your experience in Blood Banking and specifically Blood Banking at

Nassau County Medical Center, what is the relationship of those specifications to the job?

A Except for N and a few instances, I think that it's not related specifically to the job that is being performed.

Q Are there any functions that a lab tech 2 performs and that a med tech 1 performs, between those two jobs are there any differences in functions?

A One may expect a little more responsibility from a lab tech.

Q Lab tech 2 and medical tech 1, what are the differences?

A One would normally expect better performance or more experience from a med tech 1 because of their training.

Q Would the function be different?

A The functions would not be any different.

Q Would you characterize it as a lesser degree of supervision that is required for a med tech 1?

A I would say yes.

Q Do you know if Mrs. Townsend performs any functions in either the medical technologist 2 or the medical technologist 3 titles?

A She works in the Blood Bank. All the functions that are expected of a Blood Bank technologist she performs.

MR. GALLAGHER: I move to strike that as not responsive to the question.

THE COURT: Denied.

Q You testified you have fourteen members in the Department?

A Yes.

Q Under you?

A Yes.

Q Of those fourteen people, Mr. Applewhaite, how would you rate Mrs. Townsend in relation to the other thirteen?

MR. GALLAGHER: Objection.

THE COURT: I will permit it.

Q Well, I rate her pretty high up in the number. Among the number of people I have she would be certainly within the first three.

MR. SPIZZ: No further questions.

CROSS EXAMINATION

BY MR. GALLAGHER:

Q Mr. Applewhaite, you said you began employment in the Nassau County Medical Center about five years ago.

A Yes.

Q Can you tell us the circumstances at all under which you became employed at the Nassau County Medical Center?

A I applied for a job of med tech 3 which was related, which was the supervisor of the Blood Bank. I was appointed provisionally. It was my understanding at that time -- well, my predecessor, who never passed the examination, that's why and -- and that is a professional job. But, whenever the examination came up, I had to take it and in order to stay in the job I would have to pass it.

Q Was that in November of 1970, approximately?

A Yes.

Q And at the time you applied for the job did you have a B.S.?

A Yes.

Q Did you have your Master's Degree also?

A Yes.

Q And when did you then take the examination for the position?

A I can't be sure. It is sometime between 71 and 73. I took it twice.

Q Thesecond time you went to the examination, you passed it and you were appointed permanently as medical technologist 3.

A Yes.

Q Now since 1970, you have been the supervisor of the Blood Bank, and Dr. Sano is over you?

A Yes.

Q He is your direct superior. You mentioned before that I believe there are including yourself at the present time, four people working in medical technologist titles. Is that correct, three medical technologists 1 and yourself in medical technologist 3?

A There is also a med tech 3.

Q There is no other med tech 3 in the Blood Bank?

A Yes.

Q Who is that?

A His name is John Gavace.

Q Do you know whether he passed an examination?

A Yes.

Q For medical technologist?

A Yes.

Q Now the five people, including yourself, working these medical technologist positions in the Blood Bank, how many are black?

A In the med tech 1, only Mrs. Townsend.

Q But you are black yourself?

A Yes.

Q And so I am referring to those working in the title right now. It would be the other people that you mentioned previously, John Gavace, Linda Swade, Evilyn Cascia

and I believe James Valenti are white?

A Yes.

Q Now, you mentioned before that you have got a Bachelor of Science Degree from Howard University?

A Yes.

Q And you also have a Master's Degree from C.W. Post in Biology and Hematology?

A Yes. But I am not a hematologist.

Q Do you feel that having gone to Howard University and receiving a B.S. and also receiving a Master's Degree in Biology and Hematology, you do your job as medical technologist 3 better?

A Oh yes, certainly.

Q Do you feel having received a certification --

MR. GALLAGHER: I will withdraw the question.

Q Could you tell us what certifications you have received from New York City again?

A That of a Director of Clinical Laboratory in Transfusion Technology.

Q That of Clinical Laboratory?

A Clinical Laboratory Director. It is in the field of transfusion technology. Category 300.

Q Do you feel that having received that certification has helped you to do your job better as a medical

technologist 3?

A Yes.

Q Now, you have a number of people working under you in a position of medical technologist 1, is that correct?

A Yes.

Q And therefore you are very familiar with the duties involved in working as a medical technologist?

A Yes.

Q Do you feel that having a Bachelor of Science Degree and Master's Degree, both in Biology and Hematology would be helpful in doing the job of medical technologist 1?

A It would be helpful, yes.

Q And do you feel that having the certification that you have from the Clinical Blood Bank in New York, would be helpful in doing the job of medical technologist 1?

A Well, it's not related. The clinical certification from New York City is that of Laboratory Director.

Q Yes.

A It was by examination. One may not be able to pass it.

Q Are you familiar with the program for certification by the American Association of Clinical Pathologists?

A Yes.

Q And do you feel that that program is helpful in

preparing some one for doing the job as medical technologist 1?

A Yes, oh, yes.

Q Mr. Applewhaite, could you tell us what duties Mrs. Townsend does not perform in the Blood Bank?

A She is performing the same duties as she always performed.

Q Well, could you specify what she does?

A Type cross and cross match and blood studies. She draws donors and any related work.

(continued next page)

RS:mh
T2-R2
Townsend

Q Before Mr. Spizz showed you the specification sheet for Medical technologist 1 and asked you whether that specification sheet, the duties therein, as outlined, were related to the job of Medical technologist 1 in the Blood Bank. You said in some instances I believe?

A Yes.

Q Could I have that exhibit. Could you tell us in what instances it was, it is relevant to the job of Medical technologist 1 in the Blood Bank?

A Well, there are two categories. Number 4 and number 7 are specifically related to what she is doing. One does a Medical technologist 1 in the Blood Bank. The others are not performed.

Q Now, do you know whether the position of Medical technologist 1 is also a title in other areas in the hospital as utilized?

A Yes.

MR. GALLAGHER: I have no further questions.

MR. SPIZZ: One question.

THE COURT: Let me see those specifications.

REDIRECT EXAMINATION

BY MR. SPIZZ:

Q Mr. Gavace, who is a Medical technologist, what does he do?

A He is the assistant supervisor and he is on the evening shift.

Q He does what Mrs. Townsend used to do?

MR. GALLAGHER: Objection as leading.

THE COURT: I will allow it.

A Except that we did not have a supervisor on in the evening.

Q You left the lab unsupervised?

A Pardon?

Q You left the laboratory unsupervised in the evening?

A There was no designated supervisor.

Q Did Mr. Gavace have to perform any technical function that are more complicated than those performed by Mrs. Townsend?

A I would say -- I would say no, except the responsibility of making decisions in some of the new areas.

MR. SPIZZ: No other questions.

MR. GALLAGHER: I have no further questions.

THE COURT: I have some questions. You are an experienced man in the field. Based upon your qualifications and experience I would like your assistance. You understand Mr. Applewhaite, that one of the issues here is whether there is any basis for requiring

26 higher qualifications for Medical technologist 1, 2 or 3 than there is for a Laboratory technicial 1 or 2 when they are all together doing essentially the same work.

Do you see any desireability based upon your experience in this field in having a title such as Medical technologist 1 which would include in their qualifications such knowledge, skills and ability, as I take it are not included in the lab technician 2 series, as knowledge of the principles, method and practices in the field of specialization with emphasis on culture and diagnostic methods?

THE WITNESS: Could you repeat the question?

THE COURT: I have before me the laboratory technician requirements or specifications as you referred to them.

THE WITNESS: Yes.

THE COURT: And a Medical technologist 1 specs and I am trying to look at the qualifications of the two and compare them.

Now, in comparing them I notice that the Medical technologist 1 has to have knowledge of the principal methods and practices in the field of specialization with emphasis on culture and diagnostic methods. Would a laboratory technician doing this work have to have the same qualifications?

4 1 27 THE WITNESS: Well, there is obviously some grades in the laboratory. Like a lab tech 1, lab tech 2. Medical tech 1, medical tech 2, medical tech 3. But, it always boils down to the fact that if as long as one is trained in a specific procedure, especially in the blood bank, they all do the same work and it is a fact of life in all -- in practically all civil service positions that most of the people, except for the top, the supervisors, are all doing the same work. I have been in the Department of Health in the City of New York and I have seen bacteriologists doing the same work as the most junior person. And if you work in the blood transfusion service and you are trained, everyone is expected to do the same work at the same time.

In other words, I am expected to do what Mrs. Townsend does and if or anyone else, regardless of whether she's a lab tech 2 or medical tech 1.

THE COURT: Well, isn't it desireable from your point of view as a senior person in charge to have people in your laboratory who would have knowledge of the basic principles of natural science?

THE WITNESS: Oh, yes. It is always desireable to have it because of their background that you can call upon in making some decisions that would be very

28 helpful.

THE COURT: What about a Bachelor of Science degree from an accredited college or university, is it desireable to have such people in your laboratory?

THE WITNESS: Yes, I would say yes.

THE COURT: Is it worth having such people with a higher grade and being paid more?

THE WITNESS: Yes, because there must be some upward movement.

THE COURT: You mean moving up in position?

THE WITNESS: Movement up towards something that people can be inspired by.

THE COURT: Do you think from, from running the department, you would take advantage of these special skills and background to the extent that you can?

THE WITNESS: Yes.

THE COURT: And given a chance would you tend to give more responsibility to a medical tech 2 if you had one than a medical tech 1?

THE WITNESS: Well, unfortunately one is limited in this. You don't have a choice. However, you have working with you when a job is to be done, that person as long as they're trained, and I feel satisfied they are properly trained, will be asked to do the work.

I do not look specifically because a person has a degree then to select them to do a task.

Once the person is trained they have demonstrated to me they know how to do a job, a job has to be done, that person will be asked to do it.

THE COURT: Do the medical tech 1, 2 and the lab tech 1, are they interchangeable, 1 and 2 would be interchangeable?

THE WITNESS: Oh, yes. Depending on whoever is available.

THE COURT: You still think it is desireable to have these various grades within the department for morale and other purposes?

THE WITNESS: Yes. But, the big problem is the fact that the exams are not related to the job that one is doing specifically.

All right, and that the examinations themselves are unfair competition from the point of view that one in a blood transfusion service works there, nowhere else. If there is a job to be done one can not get help from any part of the laboratory. From the point of view, even those persons, these people were trained as technologists. If we don't have anyone from the ASPC,you can't bring them to the blood bank. You work in Emergency because they have to be trained. One

30 has to be satisfied that they're experienced and know what they're doing because of their responsibility.

It is unfair competition for a person to take an examination who works only in the blood bank with people who work in another field in which they're going to be examined.

If a person works in say hematology and works in chemistry, they have an advantage over the people who work in the blood bank. Who do hematology, chemistry or bacteriology and vice versa. Especially if you're examined in a field for a job or position in which very few questions literally one or two questions are asked in the field in which you work in. And this is nonsense. It is not practical to examine a person for a job in which they have no training and to examine them for a promotion in a job where they have to compete in other areas with which they are not working or as familiar with as other people.

THE COURT: So you would prefer, I take it, classification such as Medical Technologist in Blood Banking be an examination specifically in the blood banking area?

THE WITNESS: Yes. That would be a fairer way of classifying and judging people.

THE COURT: But of course you recognize it is

31 difficult or may be difficult to have some specialized classifications and examinations just as an administrative matter, even though it turns out to be unfair?

THE WITNESS: It can be changed. There are other civil service areas that recognize this and changed.

THE COURT: How does the City work, do they have a special examination for blood banking?

THE WITNESS: Well, the City, the City changed in stages. It was brought to their attention how unfair this was. They changed first by hiring different titles and having examinations -- in the first examination they had a complete examination like in bacteriology and the specialty of one's choice.

THE COURT: I see.

THE WITNESS: That is the first change. Then the next change was they had several areas of specialty. So that one would be examined in the area of one's specialty.

THE COURT: Would they have a specialty as limited as blood bank?

THE WITNESS: Yes. And thirdly, certification by the City of New York only permits people to work in the area in which they are certified.

THE COURT: I don't see any disadvantage. You can't transfer one person from one portion of the

32 laboratory to another?

THE WITNESS: In an age of specialization I see no reason. There should be one, one should be examined in the field of one's choice or in which one works. That doesn't prevent them from having a person trained and experienced and capable of working in all these areas. You can't imagine how you would feel to go and be examined and find one question in the area in which you are working. It does not make sense.

THE COURT: Well, I take bar examinations and that's the way the bar examinations work. They give you an examination in all areas of law. But, that is a slightly different problem.

Are there any further questions?

MR. SPIZZ: I would like to ask one question of the witness.

THE COURT: Certainly.

REDIRECT EXAMINATION

BY MR. SPIZZ

Q You mentioned a college degree was desireable for Med Tech 1, 2 and 3 in terms of functions of the job as defined. What Mrs. Townsend is doing and has done as Medical technologist 1, as defined by the specifications of Med Tech 1, is a B.S. degree in your opinion necessary?

A I wouldn't say it's necessary. It is desireable.

MR. SPIZZ: Fine.

THE COURT: Thank you very much.

MR. SPIZZ: Thank you Mr. Applewhaite.

THE WITNESS: You are welcome.

(The witness excused)

MR. SPIZZ: My next witness is Mr. Scimeca.

THE COURT: We will take a short recess.

(Short recess.)

(The Court resumed.)

THE COURT: Your next witness?

MR. GALLAGHER: Your Honor, this is a copy of a decision that Judge Dooling made in the case I referred to yesterday.

THE COURT: That is the Milcon case?

MR. GALLAGHER: Yes.

THE COURT: I have read it but I am pleased to have this additional copy.

M R . A L L E N S C I M E C A , having been called as a witness on behalf of the plaintiff, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. SPIZZ:

Q Mr. Scimeca, where do you live?

A 2671 Riverside Avenue, Seaford, New York.

Q Where are you employed?

A Nassau County Medical Center.

Q What job do you do there?

A Well, now I am Director of Supply, Processing and Distribution, the material section for the institution.

Q I see, and what is your Civil Service classification?

A Med Tech 3.

Q What is your grade?

A Fifteen.

Q Is that a normal classification, Medical Technologist 3 for someone who does purchasing for the whole institution?

A No, I would say not. The job classification that they were trying to develop has not come through yet. They have requested it several times. It's been denied by

the Civil Service Commission.

Q How long have you been in your present position?

A A little over a year I guess.

Q And what position were you in before that?

A I was a Laboratory Manager for the Department of Pathology and Clinical Laboratories.

Q Would you describe briefly what that entails?

A I was the first line management, non-medical management in the laboratory under a physician.

Q How many laboratories were under your control?

A All of them. I don't remember offhand. I think it was ten to eleven.

Q Would that include the blood bank?

A Yes.

Q Non-medical people would report to you?

A Yes.

Q In other words Mr. Applewhaite could report to you?

A Yes.

Q And what was your title at this time?

A Medical Tech 3.

Q Grade 15?

A Same grade.

Q How long have you been a Med Tech 3?

A Since 19, since June of 1968. That is when I came back to the Center. I had left at one time.

Q Which center was that?

A Nassau County Medical Center or Medical Hospital.

Q Was that your first civil service position?

A As Med Tech 3?

Q As Med Tech 3.

A No. I started, I don't even know what the title of my first job was. I was a Grade 1 in 1955.

Q Was that in the medical field?

A Yes. I guess I was an orderly. I don't know what the title was, but I used to work in the therapy room.

Q When did you first receive permanent status as a civil servant?

A I took a, I was appointed as the titles are all different now. It was a laboratory grade. I had taken an examination for what is equivalent now to the Med Tech 1 I believe.

Q Have you taken any other examinations?

A Yes. I took a Laboratory Technologist examination many years ago and passed it. But I didn't accept the position. I chose to stay on as a part-timer and I was working in another hospital because I was making more money and then I took the examination for a Microbiologist title.

I believe I passed that and I took that, I accepted that appointment.

That's when Erickson was supervisor. It would be about [illegible] ago.

Q Did you take a test for Med Tech 3?

A Yes.

Q Was that a Med Tech 3 examination?

A Yes.

Q When did you take that?

A I took the one, I guess it was in around 1970, 1971. I guess, I don't have the exact date.

Q You did well competitively?

A I passed, that's well. I was appointed.

Q What is your education?

A I have, it depends on how you look at it.

Q Your formal education?

A Two and a half years of college. My major was marine transportation.

Q Marine transportation?

A That's right.

Q Where did you attend?

A New York State Maritime College. Then I went to Hofstra University for a year.

Q You never received a degree from any kind of

institution of higher learning?

A No.

Q Did you take the Med Tech 2 examination or the Med Tech 1?

A I was already a Med Tech 3 when I took the examination, there was no point in taking 2.

Q Did you have any certification by ASPC?

A No. My certification is with R.M.T. International Clinical Medical Technologist.

Q How did you obtain a certification?

A I have that certification for some time back. In the days when I got it, it was based on the experience in the field, number of years. Today it is an examination of that classification.

Q How did you become a Medical Technologist 3?

A In 1967 a decision was handed down by a consuling agency. I had been in that position when they rated it. Even though I was no longer there I was reassigned in 1966. I was with Beekman Instruments. I guess it was almost two years. I was an engineer. Then I came back to the Medical Center. But I was in the position of Med Tech 3 or what they decided was a Med Tech 3 prior to 1967.

Q What was it called prior to 1967?

A Senior Microbiologist.

Q Senior Microbiologist. How did you come to be appointed to that position?

A I had been working in the laboratory for years. I was in charge of a laboratory very much like Mr. Applewhite and that was the position. The examinations were not given frequently in those days. In fact they had given them very infrequently.

Q Until you passed the current examination for Medical Tech ?

A Yes.

Q What is the examination you passed prior to that?

A Senior Microbiologist.

Q What would be that today?

A I guess it's probably a Med Tech 2.

Q Do you know of any other individuals at the hospital who are either Med Tech 1, Med Tech 2, or Med Tech 3, who are permanent, who do not possess either a college degree or ASPC certification?

A Yes.

Q Can you indicate who they are?

A That's kind of hard.

Q Does the name Gene Nelson --

A I'm familiar with that one. She's a permanent

Med Tech 2. She took the Med Tech 3 examination. She was a Med Tech 3 quite -- as a matter of fact quite longer than I was.

Q Any others that you can think of?

A Med Techs now, that's kind of tough for me. Yeah, sure, there's a Med Tech 3 named Bee. I can't think of her maiden name and I can't think of her married name.

Q What is her position --

A Guida is her married name. Bee Guida. She's a Med Tech 3 who doesn't have the requirements, required today

Q And she is a permanent?

A Although she actually got, you see,there were many changes in the years. She came out of a two year program when you could still get ASCP approval. Now you have to have a bachelor's degree. At the time she took it she qualified.

Q I see. When you were the Director of Laboratories for Nassau County Medical Center, did you have an occasion to come into contact with Margarette Townsend?

A Yes.

Q Could you discuss the nature of your dealings with her?

A Well, she was one of our regular staff employees and -- and the reason that I, you know, she became not able to -- in the interim time period when the current supervisor

in the blood bank had resigned, we negotiated with Mr. Applewhaite to come with us. There was a period of about five months and during that time Margarette was the senior and most responsible person in the laboratory. We asked her to fill in as a supervisor in the blood bank during that five week period. We indicated there's probably nothing we could do for her in that period, but she cooperated and was willing to do it and she did supervise the blood bank section for that five month period.

Q She never got any extra money for that?

A No.

Q And as a Med Tech 1 did she perform her duties capably in your opinion?

A Yes.

Q And how long has it been that you've not been connected with the laboratories?

A About a year and a half.

Q A year and a half, so that since Mrs. Townsend resumed work after her resignation you are familiar with the duties she performed in the laboratory.

A No.

MR. SPIZZ: I have no other questions of this witness, Your Honor.

CROSS-EXAMINATION

BY Mr. GALLAGHER

Q Mr. Scimeca, you said that prior to the present survey you held the position of Senior Lab Technician, that is for Senior Microbiologist?

A Microbiologist was the old Grade 16.

Q And you had passed an examination for that position?

A No. As I said the examinations are not given frequently in those years. We would go many years without one. That is how this type of condition came to pass. So, the senior staff were all professionals prior to I'd say in the late 60's. And in fact there was one period, I believe it was about nine years, between technical examinations --

Q Well, prior to 1967, did you have permanent status in any position?

A Yes. In Senior Microbiology which was the, you know, senior med technologist.

Q You had passed an examination for that?

A Yes.

(Continued next page)

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Tape 3
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Q And isn't it a fact that that position was considered equivalent to medical technology after the Kress, Major & Patchet Service?

A I'm not sure. It's not kind of equivalent, but it was an appeal. It was subsequent, after the rating which evaluated it. It's very confusing. I would say probably.

Q Isn't it also a fact that in 1971, when you took the examination for medical technologist 3, that you took that on the basis of its being an examination for promotion in a direct line of promotion?

A I don't remember. I think I took a competitive examination. I can't answer that. I was not told at any time that I was entitled to a promotional examination because of permanent service.

We received a list of everybody who was in the job and those people were told to take them and who did not have permanency. I did. They were just in the job. I assumed that's why we were sent, because of that list. We were incumbence.

MR. GALLAGHER: I have no further questions.

THE COURT: I notice going through the Nassau County specifications for medical technologists 3, which you are now,

THE WITNESS: Yes.

THE COURT: The training and experience is a Bachelor of Science Degree or ASCP Certification and five years experience. You have neither a Bachelor's Degree of Science or ASPC Certification?

THE WITNESS: That's right.

THE COURT: Do you feel qualified?

THE WITNESS: It is my understanding at the time, it has nothing to do with the rating. In other words, being an incumbent at the time of the Crescent investigation we were allowed to take examinations.

THE COURT: I see. So there was kind of a grandfather clause, if you were able to pass the examination?

THE WITNESS: Yes.

THE COURT: And as of what date was that utilized, the inception?

THE WITNESS: I don't know. All I know, when I came back I had taken the examination.

MR. GALLAGHER: I have documentation on that particular situation.

THE COURT: You do?

MR. GALLAGHER: An ordinance passed by the Nassau County Board of Supervisors which I would like

to submit as an exhibit.

THE COURT: What do you have?

MR. GALLAGHER: Well, it was effective, I think for the examination given in 1969, and passed in late 68 or 1969, I believe.

THE COURT: Plaintiff didn't take that examination.

MR. SPIZZ: What happened, plaintiff could have taken it in 69 and 71. She didn't take the 69 test. She did take the 71 and failed. The 1973 examination they didnot permit her to take.

THE COURT: If she couldn't have taken it --

MR. SPIZZ: The medical tech 1 and in fact she took it and she in fact failed it.

THE COURT: I see.

THE WITNESS: I guess I took it in 71. I wasn't sure of the year.

THE COURT: Now you understand what this lawsuit is about, generally don't you?

THE WITNESS: Yes.

THE COURT: And in going through these general classifications as you go up on laboratory technician to the various grades to medical tech 1, 2, the various grades and more and more training in experience

in schooling is required. But the information I have had thus far indicates that at least in the Blood Laboratory, everybody does the same work.

In your opinion, based upon your long experience as a supervisor in this field and now as a senior official in the Institution, you think it desirable to have training and experience qualifications which apparently are not required for the individual work in this area?

THE WITNESS: Prior to the last few years I don't know. Since the Civil Service Commission, there have been apparently some changes in the way they do things. But prior to the last few years, whenever there was a specific requirement for a position and through today in other fields besides medical technologist and still exercising their educational requirements or a satisfactory combination of training inexperience, the fact is, the current examination on the board right now for a very high paying job, that's the way it's written, that was on the technical examination and in my opinion, that is what is creating this problem. now.

All of the requirements and the tremendous advances in the technical field, andin this field

of technology have occurred in the last really, last ten years. With greater exaggeration in the last four or five. That leaves a lot of people that have been in the field for many years out on the limb.

HEW came through with a grant for the cause to take care of that. But the County, the Civil Service Commission does not give that latitude to the people who are already in the position. They are people who have been in the field and they can be frustrating at times when you have a person come in with a great deal of experience and apply for a job, but because they do not have a degree you have to turn them down. It is particularly true in the field of med techs because ASPC only requires a Bachelor's Degree in the last three or four years in order to get the certification. That means up until three or four years ago the great majority of technologists in the field did not have to have a bachelor's degree and still do not.

So unless they got in on the ASPC, whichis not available now, it is difficult to get into those schools just like medical doctors, there is not enough training institutions. We turn away hundreds from our school of medical technology, people can't get into the program by limiting it to ASPC requirements,

you're strangling yourself.

As an alternative, we will accept the degree in lieu of. But I could not hire you because as med tech 1, a student who graduated from any college with any Bachelor of Science Degree in practically any nature of science, and training in medical technology, he could hire him and a med tech 1 still can today. A person whose been in the field fifteen or twenty years maybe as a lab tech 2, is tremendously productive and a knowledgeable person in the laboratory. There is no possible way for that person to get to be a med tech 1 without going back to school and getting a Bachelor Degree, which is impractical for a lot of people.

So, that's where the inadequacy arises. There is no alternative to those very stringent requirements.

There is no grandfather clause of any kind.

THE COURT: What is the reason for it, is there any justification for what is going on?

THE WITNESS: I never was, nor was any other technologist ever prevy to the decision or discussion concerning their position. As I have to assume they were made by the Civil Service Commission and whatever information was available to them, and by posi-

tions.

THE COURT: Well, let's just take an individual laboratory. In this case the Blood Bank with sufficient knowledgeable technologists and all the laboratories.

THE WITNESS: Yes.

THE COURT: Is it desirable to have within your laboratory, as I understand it where everybody does much the same work, people of various levels like lab tech, med tech 1, med tech 2, with different backgrounds?

THE WITNESS: Well, if you look at it, if we talk about it, from a philosophical point of view, you get to talk about the practical point of view. The reality of what we have to work with at the institution, that is the Nassau County Medical Center. You get an entirely different picture from the philosophical point of view. It is not desirable to work the way they do. It is desirable to use the structure. And provided that you have a criteria to utilize the people and the resources that you have. In terms of what they are able to do and what you can develop them into, but the practical application can't -- can't occur because of the problem of staffing. We're never able to staff in the manner where we can do that.

We have to use whatever we had and whatever we can get the most out of it.

We cannot maintain staffing patterns the way we want because --

THE COURT: - You mean if you had enough people, what you would have would be lab tech 2 doing the job of doing a med tech 1 and a lab tech 1 doing something else. You'd have a med tech 2 supervising a med tech 1 and a med tech 3 having overall control of the laboratory?

THE WITNESS: That's correct. But it can happen. It is a technical problem just in the Blood Bank and it is the same problem that happens in all of the larger departments, microbiology, chemistry, it's the same kind of situation where you have about 18 employees in that one section. You have every title doing everything. Whatever that person, whatever the individual is able to do they are pushing them to do it.

THE COURT: Is this a problem that exists in the larger institutions?

THE WITNESS: Yes. I do not want to imply that it is a common problem.

THE COURT: Well, you have been very helpful. Thank you very much.

MR. SPIZZ: Thank you.

THE COURT: That will be all.

THE WITNESS: Thank you.

(With an excuse)

THE COURT: Next witness.

MR. SPIZZ: Your Honor, I only have one other witness subpoened, who it appears from conversations he has had with my associates, he doesn't appear too desirous of coming to Court. In any event, his wife indicated to my office he is out of town.

THE COURT: I don't want to hear about that.

MR. SPIZZ: No more witnesses.

THE COURT: Do you rest?

MR. SPIZZ: No. I have some evidence and documents.

THE COURT: Let's have your other evidence.

MR. SPIZZ: I wish to submit these. I showed Mr. Gallagher yesterday this an abstract form taken from the Civil Service Commission as to grades and also as to pay scale as to grades. Which I had asked Mr. Gallagher if he would be willing to stipulate them to this and if he could come up with any other information from his own department and I would be willing to stipulate to that. But, this is what I have as to grades. Do you accept it?

MR. GALLAGHER: I accept this.

THE COURT: Mark it as plaintiff's exhibit.

MR. GALLAGHER: I don't know. This is not the Civil Service Record. I don't know how that was compiled.

MR. SPIZZ: Alright. I have the person who abstracted this from the files. If Mr. Gallagher wants me to put her on the stand?

THE COURT: Plaintiff's exhibit #9, salaries effective January 1, 1974.

MR. GALLAGHER: I wont object to the other documents. I have just been informed theme is no problem.

THE COURT: Off the record.

(Discussion of the record).

THE COURT: Plaintiff's exhibit #10, Cruton Index of Civil Service Commission.

MR. SPIZZ: Now my final exhibits, Your honor, I have again shown them to Mr. Gallagher. I think he may have an objection to some of them. I have briefly explained them and I think they could be gotten under a number of rules as evidence. Rather what they are are photostatic copies of pages from the Official Report from the Department of Census Unit.

THE COURT: You want me to take judicial notice?

MR. SPIZZ: I can ask for judicial notice pursuant to the Federal Rules. These tables were prepared by the Nassau Planning Commission of Nassau County, the data bank. These are the Law Data.

THE COURT: Mark that as one exhibit, raw data statistical data.

MR. GALLAGHER: My objection to that would be relevancy, Your honor.

THE COURT: Yes.

MR. SPIZZ: I have also prepared an abstract which is our work. We simply took the figures out of those charts to make it easier for the court to see the differences. Which we thought were important in one instance and we have done our own calculations. There are some percentages for the raw data and it was taken right out of the chart. I would like to point out with respect to the Nassau County chart, which I have prepared, we have prepared charts of the United States, New York State and Nassau County. With respect to Nassau County --

THE COURT: Mark them as one exhibit.

MR. SPIZZ: There was no break down for the raw data as there was for the State and New York State as to white/black. What there was was a break down as

to general black and Hispanic.

I would submit that by looking at the data we have given you from Nassau County, which shows an insufficient number of Hispanic as opposed to white/black or Hispanic, in effect the general figure could be read as white or if necessary a calculation could be made. Those were submitted to be helpful to the court in looking at the raw data which we have given you. I would submit in all the geographical locations, one is shown it is quite clear that blacks do not achieve as much education as do whites and that blacks do not achieve the same amount of college degrees that do white. That is to say in proportion blacks achieve far less than do whites.

I would submit this shows the type of disparity that has been shown in other cases that we have cited in our trial brief. Pursuant to Griggs, that would shift the burden of proof. We have also of course submitted proof along the agreement on MacDonald. MacDonald Douglas vs. Reiss which I think switches the burden.

At this time the plaintiff rests.

THE COURT: How old is the plaintiff?

MR. SPIZZ: The plaintiff is 41 years old. She had

indicated her date of birth for the record.

THE COURT: Yes.

MR. GALLAGHER: Could I be heard in this, Your honor, on whether they made a prima facie case?

THE COURT: Yes.

MR. GALLAGHER: It is our position the plaintiff has failed to make a prima facie case as described and the raw statistical data is not sufficient to make a prima facie case under Griggs. And that the plaintiff in order to have made out a prima facie case here or in statistical data to show the number of people who applied for the examinations as Mrs. Townsend had who were disqualified because they failed to meet the qualifications for the position. Out of that number it breaks down into the blacks and whites and shows the court that a greater percentage, a substantial greater number of blacks applied and failed to meet the qualifications than the whites who applied.

THE COURT: Well, I am troubled by these general statistics. The Nassau County statistics are most clearly relevant, but they're really not to o helpful. Because, based upon observations of hospitals there are a very large proportion of blacks in these medical technician jobs.

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The prima facie case would go to the other way, I think based on the race of people in these jobs. There are probably more blacks proportionately in these jobs than the whites. That is understandable, because this is an area which is considered a first step up and blacks have taken advantage of this move up into this position of higher authority, as Mr. Applewhaite.

So, I just don't think this kind of general statistical information is sufficient. I don't for example have any idea of what the ratio break down is in Nassau College or in the various colleges that are preparing people for these jobs.

You may have it, but insofar as I can tell here, it may well be discrimination runs the other way. I just don't know. I just say they can't on the basis of your statistical data, draw any conclusions.

MR. SPIZZ: If I may be heard on this point?

THE COURT: Yes.

MR. SPIZZ: During the main case on cross-examination, information was ilicited as to the fact that Mr. Applewhaite was black and some otherpeople in the department were black and as Your honor mentioned the fact the amount of --

THE COURT: I do not really have any clear idea.

I have been in hospitals as a patient or as a visitor from time to time in various places in the City and Nassau County. I have not been i the Medical Center in Nassau County for maybe the last twelve years.

MR. SPIZZ: The point is, Your honor --

THE COURT: Just walking through and seeing an awful lot of blacks and Hispanic people in these positions, some of them with quite high authority.

MR. SPIZZ: I am not denying that fact, Your honor. The point is as I see it, that is irrelevant. In these kind of cases, where you're saying that we're talking about one individual here, namely, Margaret Townsend who happens to be black. We're saying that she did not get a job for which she's qualified, for which she is able to perform because of the requirement that operates to discriminate against blacks.

THE COURT: The question, does it do that? Now, I don't know. Itmay well be and I must say based on what I have heard I think you've made out at least a prima facie case. This plaintiff is a very responsible person, who probably would have been a very fine medical technician, one or two or perhaps even three, despite the fact she hasn't the qualifications of schooling or certification.

But, my problem is not whether individuals are crushed by the machine or bureaucracy, because that happens all the time. That is not what the court is here for, to rectify every injustice. There must be an injustice as to whites as well as blacks in that hospital. My problem is whether you have made out a case based on race. Now, I do not see it, that you have based it upon these particulars, it's just too thin.

MR. SPIZZ: Well, the way I would read the cases Your Honor, it under the Grigg case and so on, if the requirements are --

THE COURT: Give me the specific references you think would help me and I'll read them over the lunch hour. That is all I can do. I have got your brief and we've gotten down to a very precise point.

Let me have what you consider the cases and the pages I ought to read and I'll read them again over the lunch hour.

MR. SPIZZ: Your Honor, at this point I can merely refer you to the Griggs case which sets forth the general --

THE COURT: You want me to read that again? Do you have any cases where the general statistical figures of this kind support a prima facie case. There

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isn't the slight est spaces for believing there was any over deliberate discrimination.

MR. SPIZZ: It's not a question of deliberate discrimination.

THE COURT: The question is is it direct or inadvertant discrimination?

MR. SPIZZ: I believe the tenure of all the cases and of all the E.O.C. guidelines, as adopted and endorsed by Griggs and the accompanying cases indicate that where a qualification operates as a disparity against blacks --

THE COURT: I don't know whether that pertains to the issue. You haven't shown that they have.

MR. SPIZZ: By virtue of the fact blacks, by virtue of the fact that blacks do not achieve college degrees in the same position as whites, and they do not --

THE COURT: We are now dealing with a particular area of work.

MR. SPIZZ: I am going to try, during the lunch hour, to find something more specific, Your honor, because as I see the way we have to prove the case under Griggs, it doesn't have to relate to the particular type of work. They have set forth a require-

ment, namely a college degree and because of that requirement and only because of that requirement, she hasn't been able to take the test.

THE COURT: Well, she did take the test earlier because of a grandfather clause. We do have evidence in the record indicating from people who are supervisors that it is desirable to have grades within the department. That is, it is desirable to have a higher qualification within the department. Even though people who do much the same work in a practical matter, that is you have a ladder. So, I can't say that there is no basis at all for this grading attempt. Whether it succeeds or not, whether it creates problems, is another issue. But, there is some sense to attempting to have grades based upon the testimony and there is some sense in having educational qualifications.

Now, there is no evidence before me at all with respect to what happened in these fields. Particularly in the Medical Center.

MR. SPIZZ: For one thing, I don't think that it is necessary for us to make out a case. I think it would be most impossible to get the kind of statistics Your honor was talking about. But, I don't know how we could get them. Just leaving aside Griggs for a

moment, I want to make it perfectly clear.

THE COURT: What is the percentage of blacks taking the courses or trying to get certified or applying within the hospital?

MR. SPIZZ: Well, I don't see if those taking courses are trying to get certified, how those statistics would have any relevancy to the case we are presenting, because Mrs. Townsend is in a certain position.

THE COURT: Because they may actually help blacks, the ASCP, it may help them because they may have more of them looking for certification.

MR. SPIZZ: The ASPC, to make sure the record is clear of that, the testimony was that you have to have a college degree.

THE COURT: Now, there are many ASCP positions which apparently have much lower qualifications than that of the ratio of blacks and whites in that area. I just don't know. This is a specialized area. You haven't told me enough about it.

MR. SPIZZ: Well, if I could just --

THE COURT: It may be theoretically only blacks have this trouble with ASCP. It seems highly unlikely, but as far as I know, there is no discrimination there.

MR. SPIZZ: If I could just leave that aside for a moment because I am not in a position to give you any more statistics. I probably would be just repeating myself, on the theory. I want to check that point out further. As to the other point when we showed what we showed here in the past two days as to Mrs. Townsend's status, we have shown that she is a person that is qualified for the job and she did not get the job. Under the MacDonald Douglas case, the burden all shifts to the County to show the requirements used, mainly the degree in examinations are valid and to show the guidelines which are necessary to show there is no discrimination in the setting of grades. To show there is no less criteria that would be set for the job --

THE COURT: We have an examination she took in 1971.

MR. SPIZZ: Yes.

THE COURT: For which she was qualified.

MR. SPIZZ: She was permitted to take the examination.

THE COURT: It is your contention that the examination was invalid and discriminated against blacks.

MR. SPIZZ: I am not contending that specifically.

I am saying that making her have to take it, because I didn't prove anything about that examination, I didn't have to allege that. I am saying the requirements of making her take an examination is invalid. What I have done, I submit the County must show it is a valid test. I didn't allege it, because I don't have to prove it.

THE COURT: Are you prepared to show it is a valid examination?

MR. GALLAGHER: No comment Your honor. It is not an issue in thiscase.

THE COURT: Why not?

MR. GALLAGHER: Because there is no allegation in the complaint about the examination being invalid and in fact Mr. Spizz originally adjoined an action in the State. The State made a contention and the State was going on the question of qualification in position in 1973. There was no allegation in 1971 about the examination being invalid.

THE COURT: Assuming the 1971 test was not discriminatory:

MR. SPIZZ: I don't think at this stage of the case, Your honor, after what I have put into evidence that Your honor can assume that. I think that if at

this point there is now a burden of proof that has shifted to the County to show that nothing that they now have, that they gave here was discriminatory. Having a college degree is not discriminatory and that the idea of giving an examination that requires a written test and I would submit that they wouldn't even have shown, they would have to show the examination itself is not discriminatory by virtue of the law in this area. The E.O.C. guidelines and the MacDonald Douglas Greene case, and also they think that we have proved in our case along the Griggs line, Your honor that with the different statistics, which puts me in a bit of a bind, But as I see it, we are talking about specifically a degree requirement and the requirement of preventing Mrs. Townsend from taking a job. I have shown that a degree requirement would effect blacks to a greater extent than they would effect whites, in this State and in Nassau County.

THE COURT: I don't believe you've shown it. Not with respect to this particular area. This may be a particular area where blacks find it more attractive than where whites do, where they don't find it attractive for a variety of reasons. I don't

know. But, we know that there's perhaps a basis for believing there are a larger proportion of blacks in this field than there are in the population generally.

Including those who are certified and have these higher positions. So, I am not going to make any logical jumps from these general statistics. I find it a troublesome case. I will see you at 1:30.

MR. SPIZZ: 1:30 Thank you, Your honor.

(Whereupon these proceedings adjourned to the luncheon recess.)

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Scimeca - Cross-Examination

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AFTERNOON SESSION

MR. SPIZZ: Your honor, may we be heard with respect to the issue?

THE COURT: Yes.

MR. SPIZZ: There are a few points I would like to make. I have researched the problem further, thought about it further, and I believe that the position I have taken as far as the statistics is correct.

I believe Your honor may be thinking of a situation that occurred possibly in the Ressario case where Judge Frank, I believe Judge Frank, he was the trial judge in the Southern District. Who at that point he made certain findings and also made an order, a remedy order with respect to I believe an affirmative action.

The Second Circuit remanded his finding as to the remedy, as opposed to the violation of the law, and were not sufficient. In other words, to squash the affirmative action. Therefore, his finding of facts as to how many people were interested in a job and therefore apply to take the job and so on and so forth. The question we're dealing with, in that our burden on the plaintiff's case and I think that there is racial discrimination. It is really im precise terms as pointed out by the First Circuit, Boston

Chapter in the NAACP vs. Beachter, F. 2d 504, 1017.

We don't have to show on our own face, racial discrimination. We have to show there is a racial disproportionate impact. Namely setting up a requirement of high school or a requirement of a college degree. That requirement operates this proportionately on certain races and the way that's been done for example in leading cases, Griggs, you have the situation. There was a diploma involved. Griggs said simply use the statistics of the State of North Carolina to show there is a rationately disportionate impact, mutually on its face, of the requirements.

For example, in the Fifth Circuit we cited these cases in ourbrief. Johnson vs. Goodyear at 491, F. 2d 1371.

THE COURT: One thing that disturbs me.

MR. SPIZZ: Yes, Your honor.

THE COURT: Insofar as this particularplaintiff is concerned, if she was entitled to take that examination without respect to whether she had any college degree, so that it didn't have any impact on her.

MR. SPIZZ: Well, that fact complicates this case somewhat. That is why there are a number of actual possible remedies here and a number of theories along

which we can proceed.

First, it does not permit her to take any more tests which she would be able to do if she had the college degree. We are seeking, we are saying that it is illegal, that is a violation of law.

Now, it so happens that in the past, by virtue of a decision of Nassau County, the Board of Supervisors, they made a decision to allow people to take the test, despite the requirement on two occasions.

So, at that point the degree requirement did not affect her. We can't argue about that. We can argue that the test was invalid. We are not arguing that. They have, you see, the whole question of the burden of proof once they show this, this brings us into the other theory. I don't want to confuse this in the Greene case. When she qualified she should have the job. Why doesn't she have the job. Back in 1969 or 1971, if she had taken the test and passed, then they should have given her a test and it should be valid under the requirements. Now, as to the other fact, we're complaining now, let's assume that Your honor doesn't buy that argument. So, we're left, Your honor, with wanting to be ableto take the test now. Then we have the fact of in Griggs that there is, this disproportionate fact.

As far as the statistics are concerned, in this case, Johnson vs. Goodyear and U.S. vs. George Powers, the defended attempt to limit it to a specific age group. The court said no. Then they said we have to limit it to who takes the test. The court said no. In George Powers they used the statistics for the entire south. Also important in supporting our theories, under both theories are the guidelines, specifically 1607.2, 1607.3 of 29-CR, the E.O.C. It is the standard test. And such test that she took and the degree requirements. Such as the fact that she has to have a college degree. In 1607.3, it says a degree requirement has a desperate effect on those people who take the test. This act was designed to protect people. Therefore, more blacks do not have or receive college degrees and as do whites. There is under the O.E.C. guidelines, which must be given consideration, as indicated by the Supreme Court in Griggs and also as termed in Alber Paper Company vs. Modell. Then that other subject of 1607.3 comes into effect. They must show the test is valid. You have to show there is a reason for the college degree.

Then as to the fact she is not an employee, because she would have permanency if she had passed the test. They have to show that she should take a test.

Then they have to show the test was a good test. Beyond that they have to show that there is no other way they could have selected her as an employee, to be a qualified employee. That doesn't discriminate. They have to show all of that. Actually, what's been shown so far, we have seen that people who have not taken a B.S. Degree, don't have a B.S. Degree are med tech 3's back in 1969, and 1971. People were allowed to take these tests even though they did not have a B.S. Degree and now they change it.

THE COURT: I know, but I can't stop progress. Assuming it is progress. I mean, that's been the history generally as educational availability increases. There's been a tendancy to increase the requirements for the various positions.

Now, there are, there may not be any relationship, but the fact they are changing will have an impact on people and it cannot be avoided when you have a change as standard.

MR. SPIZZ: No question about that.

THE COURT: You can't argue a standard should never be changed or improved.

MR. SPIZZ: Absolutely not and if the county could come forward and show whether it is a good reason

to make a B.S. Degree a requirement --

THE COURT: I will reserve decision on the counter motion to dismiss. Call your witness.

MR. GALLAGHER: Albert Fontana.

A L B E R T F O N T A N A, have him called as a witness on behalf of the defendant, having been first duly sworn by the Clerk of the Court, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. GALLAGHER:

Q Mr. Fontana, by whom are you employed?

A Nassau County Civil Service Commission.

Q In what capacity?

A Personnel Specialist.

Q When did you commence your employment with the Nassau Civil Service Commission?

A February, 1965.

Q What was your position at that time?

A Personnel Technician.

Q And what were your duties upon the commencement of your employment in 1965 as personnel technician?

A At that point in time the County was undertaking a job classification and employed the consulting firm of

Kress, Major & Patchet. As personnel technician at that time I was assigned to the survey team to assist the consultant in doing a classification study.

Q Were you involved in the classification study as it applied to the Nassau County Medical Center?

A I was.

Q And were you involved in a review of a position that ultimately became medical technologist 1?

A I was.

Q Could you describe to the court exactly what procedure was followed in making this study?

A Well, from the very outset each employee was given a job questionnaire. They were asked to complete that questionnaire in detail describing what duties they performed on the job. Their responsibility and so on.

That job description, that questionnaire was countersigned by the immediate supervisor. Secondly, it was signed by the Department head to insure accuracy of the description of the employee's job. No change was permitted by the department head to the employee's statement.

He could refer to that statement, but no change would be made by a department head or immediate supervisor to the job questionnaire itself. When the questionnaires were completed by the employees, they were reviewed by the survey

team.

Q Would you tell us who was there from the survey team in the Medical Center?

A Mr. Tetello, Personnel Technician. Mr. William Beagman. Also a personnel technician, Mrs. Durlam. That was the commission staff and Mr. Thomas Brennan from Kress, Major & Patchet had the prime responsibility for the consulting firm, for running the entire classification survey.

Q Could you continue on, what was done?

A When the questionnaires were completed by the employees, they were forwarded then to the survey team for review. We would read each one of the questionnaires for clarity of description of a job or any ambiguities in the employee's statement. But, not on the questionnaire. It is to clarify it at such time as we sent back to the Medical Center to do an actual job audit or so called desk audit.

Q Did you do any job audit?

A Yes, we did. We did a ten percent sampling of the job. Actually --

Q Can you describe the exact, how you conducted this sampling?

A Yes. Our first step in going into the Medical Center was to, we would start with the questionnaires. What we thought was an original chart. We, prior to actually inter-

viewing the employees in question, the original chart was reviewed by the Department head. He then agreed with the questionnaires or not, and corrections were made. We picked the employee at random so there is no preselection and actually went into their job location and actually interviewed the employees about their work.

One thing I should mention, the job questionnaires that were completed by the immediate supervisors as to the qualification requirements, they were actually recommended the supervisors recommended what the training and experience requirements for a person were to be for his function in that job. Once the study was conducted, the job audit, they were conducted and the staff then classified the positions.

We arranged them in certain levels based on what the job questionnaire said, based on our discussion with the department heads, as well as the employees. So we were able to establish different levels of responsibility within a series of position.

Once that facet was established, we proceeded to write job specifications in a tentative manner. The job specifications were taken again, based on the employees questionnaires and the job interviews.

Then we developed what we call a personnel allocation list. Where we said that we gave the employees

old title a reclassified title. We called that a personnel allocation list. This was then submitted to the department head for review together with the job specifications and again the job specifications were reviewed by the department head who either accepted what we wrote or made recommendations for corrections.

They were incorporated into a job specification from the recommendations that were accepted by the commission staff.

Q Do you know who the department head was at that time for the position of medical technologist 1?

A I don't know specifically the person.

Q Well, do you recall who you consulted with over in the hospital about the job specifications in addition to the individual employees?

A Dr. Vincent Palidino. He was the Director of the Clinical Laboratory at that time.

Q How was the qualifications of either having a Bachelor Degree in medical tech 1 or certification by the American Association of Clinical Pathologists developed?

A That portion of the questionnaire, the supervisor was asked a specific question. What kind of training and experience should an individual possess to function in that particular job. By and large, of course this was also

approved by the department head and the immediate supervisors assessment of what the training experience requirements should be.

By and large the recommendations by a department head were accepted by the commission. We did research as to similar positions in other jurisdictions as to what their training and experience requirements should be. So, we would have some reference point rather than just taking the department head at any given point, we did research and background material to support a valid experience training, training experience requirements.

Q When did the job specifications for medical technologist become effective?

A July, 1967.

MR. GALLAGHER: I have no further questions.

FIRST SUMMATION

BY MR. SPIZZ:

Q Mr. Fontana, with reference to this Kress, Patchet Survey, the firm of Kress, Major & Patchet and McCormic, how would you describe that firm, what kind of a firm is it?

A A management consultant firm. I guess that's a description.

Q Was not the main purpose of the Kress, Patchet

Survey to determine the fairness of the salary structure in the Nassau County Civil Service Commission as compared to the salary structure in the private industry and in other areas of Civil Service around the Country?

A No. That was not the purpose of the study.

Q Not the purpose?

A Classification of jobs, a job classification study.

Q What was the interest in the salary as far as the study was concerned?

A As part of the contract, they were asked to develop a grade salary plan to go with the classification plan.

Q I show you this document. Do you recognize this document, sir?

A It looks familiar.

Q What is it?

A A proposed salary plan.

Q Is this part of the Kress, Patchet Study that was done?

A That is part of it.

Q What other parts were there?

A Classification plan.

Q Where is that, is this not part of the proposed

salary plan, just look at the document, sir, look at it and take your time.

A Well, there's a portion of the study here, I don't know, I have never seen this in quite this form. But, Chapter 2 deals with exclusively with position classification questionnaires which have to be the first step.

Q Is there anything of the Kress, Patchet report which is not included in the doc ment before you that you are aware of?

A I don't know.

Q You don't know?

MR. SPIZZ: I would like to introduce this document into evidence.

THE COURT: Mark it.

MR. GALLAGHER: No objection. I take it that was the document that was received as a result of another case?

THE COURT: Plaintiff's Exhibit 13, Nassau County Proposed Salary Plan, in evidence.

Q Now are you familiar with this document that I showed you?

A I haven't seen it in quite that form . I have seen portions of it. I never saw it in this form.

Q You never saw the entire report by Kress,

Patchat that they proposed?

A I did not.

MR. SPIZZ: This document will speak for itself. I ask the court to take note and emphasis to the salary.

Q Now this firm of management consultants, who worked on the team, Mr. Brennan, what is his background educationally and professionally by way of training?

MR. GALLAGHER: Objection.

THE COURT: If you know, I will permit it.

A I believe he is a graduate of the University of Pennsylvania. Master Degree in Public Administration. He held some high level position in the State Government, State of Pennsylvania.

Q Do you know if he had any training in the area of Psychology?

A I do not know that.

Q Do you know if he was familiar with the standards of the American Psychological Association with respect to test validations?

A I don't know.

Q Or job criteria?

A I don't know that.

Q Do you know if he received any training as to the guidelines for test of Equal Employment Opportunity

Commission?

A I don't know.

Q Is this Kress, Major & Patchet firm basically a management and consultant firm in the sense that they deal on a business level with the amounts of the most efficient use of personnel in the terms of money?

A I don't know what their total capabilities are. I really don't know.

Q Do you know if they have any qualifications whatsoever in the field of test validity or job criteria validation?

A I don't know that.

Q You described a process of how you went about doing this report: Could you tell me specifically what was done in the Blood Bank as to the interviews and the questionnaires?

A Well, initially, we talked to the Director of the Clinical Laboratories, Dr. Vincent Palidino.

Q Would he be above, he was the medical doctor above Mr. Scimeca?

A Yes.

Q He was to Mr. Scimeca as how would he and Dr. Sano related to Mr. Scimeca?

A I'm not certain of this. But I believe Dr. Palidino is Director of the entire Clinical Laboratory

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of which the Blood Bank gives blood of the laboratory, of which Dr. Sano, I believe heads it from a medical standpoint.

Q Dr. Palidino is a medical doctor?

A Yes, he is.

(continuednext page)

RS:mh
T5
Townsend

Q I was asking you now about who you spoke to besides Dr. Palidino. Who else did you speak to in the blood bank?

A I don't recall specifically what employee I may have talked to or I may have talked to a group of employees.

Q Do you know if Margarette Townsend was interviewed during this Kress, Patchet survey?

A I don't know that.

Q Do you know if Margarette Townsend received a questionnaire?

A I don't know whether she did or didn't.

Q Do you know during the course of that survey and study how much time was spent all together on the entire survey by everybody connected with it?

A Well, I started in February of '65. The plan was formally adopted in July of '67.

Q You worked continuously on the plan. About how much time was spent in the blood bank?

A I'm not sure. I can't tell you that. I can't tell you exactly.

I can go by the samples we received.

Q Are there records of how much time was spent in the blood bank?

A Not to my knowledge.

Q There are records of the questionnaires that were given to the people in the blood bank?

A Yes.

Q Do you have those in your possession today?

A No.

Q Has anybody in the Commission have those in their possession today?

A No.

Q Are there any records?

A Do you mean -- Im sorry?

Q Do you have the actual records?

A You mean here physically?

Q Here physically?

A No.

Q But you think there are such records?

A Yes.

Q What about as to the interviews, are there any records of interviews?

A I'm not certain but there would be. There is noted on the questionnaire what persons were interviewed.

Q As to the requirement for B.S. degree, did you conduct or did Kress, Major & Patchet conduct any independent studies as to the requirement for a B.S. degree other than the fact that you asked the supervisor if he thought such a

requirement would be necessary?

A Well, it was the supervisor initially that stated the requirements. Which was further supported by the department head, in this instance Dr. Palidino.

I suppose Dr. Sano was involved in that also, that process as well. But, I don't know that for a fact.

Q Were any educational institutions for example, contacted and given the duties of the job and asked to indicate what level of educational accomplishment was required or were any other agencies of any kind, professional agencies or professionals in the field consulted as to what type of degree would be necessary with respect to the specific duties of a specific job?

A Well, other than the fact that we did research, that was with the Department of Labor, requirements for a position of a hospital staff which indicated the training, experience requirements for various jobs within the hospital structure.

Q Describe how you did that with the Department of Labor, exactly how did that work?

A There is a reference book. Ibelieve it is issued by the United States Department of Labor which spells out various jobs within a hospital. Also the training experience required for various positions in a hospital.

Q Do you know how the Department of Labor arrived at its conclusion?

A I do not.

Q How did you make the transfer between the job title given by the Department of Labor study and the title that the Civil Service Commission had given to the various jobs?

A By comparison of the job duties.

Q Who made the comparison?

A We did, as part of an assessment of the job.

Q By saying we, you are referring to you, Mr. Brennan, Mr. Petello, Mr. Deagnan and Mrs. Durlam? Those were it, that's all that you were referring to?

A As part of the survey team.

Q Do you know if any studies have been made either then or since then in terms of what is known in the field of test validation as validation with respect to a college degree requirement?

A I don't know that.

Q You don't know if any such studies were made?

A Not to my knowledge. I don't know.

Q In other words you've never seen how people with college degrees do on jobs as compared to people without college degrees, you never made such a study?

A No.

Q And you never made such a study with reference to the Nassau County Medical Center specifically?

A No.

Q And you never made such a study as to the Nassau County Blood Bank specifically?

A That's correct.

Q You never looked at the job Margarette Townsend did?

A I don't know whether I did or not.

Q Informulating the requirement as to a college degree, was any consideration given to the fact that certain minority groups might not have the same kind of paper credentials as the general population as basically the white population?

A No. The thrust of the study was to classify jobs.

Q I see: Well, was any attempt made to determine if the criteria for a job that might be less, that might have less of a disproportionate impact on certain groups than other criteria?

A I don't know.

Q Now you say the thrust of the study was the reclassification of jobs. You mean as to determine the

educational qualifications for a job?

A That is part of a classification for a job, development and training and experience and requirements.

Q What did this entail in doing a job classification survey?

A Well --

Q What was the purpose of such a survey?

A Well, to find out what the employees are doing in a specific job. What are their responsibilities. What are they really doing and are they doing what they are being paid to do.

Q And you in fact determined as a result of your survey that people who were doing the job that had the title of Lab Tech 2 were actually doing the job of a Medical Tech 1?

A We didn't confine ourselves to the old classification plan, the old title at all. As a matter of fact it was clear, we didn't ask them what classification was. We didn't want to be prejudiced by the fact somebody was a senior lab tech we would make him a lab tech 2 --

Q Are you familiar with Margarette Townsend in this particular case?

A In what respect?

Q In terms of how long she progressed in the Civil Service, particularly as to the relevant date in this law suit?

A No.

Q Did you know that prior to the Kress, Patchet survey she was a Lab Tech 2?

A I do not know that, no.

Q Do you know that the Kress, Patchet survey she was told that she was a Med Tech 1 and got the grade of a Med Tech 1?

A Yes.

Q Based upon your position with the Civil Service Commission, do you know why this particular event came to pass?

A I don't know. I honestly don't know.

Q Do you know as far as the result of the survey, it was determined she was doing a Med Tech 1 job and they thought therefore to give her the pay and title to which she rightfully belonged, that would not be the logical explanation of what took place --

MR. GALLAGHER: Objection.

THE COURT: Sustained.

Q Could a possible explanation as to why she was made a Med Tech 1, given a salary and title of a Med Tech 1 be the fact that this Patchet survey determined the title and salary later received after the Kress --

MR. GALLAGHER: Objection

THE COURT: Sustained.

Q Does anybody here today know why she was made a Med Tech 1. Do you know or don't you know?

A I don't know.

Q Do you know if anyone in the Civil Service Commission knows?

A I don't know. I have no knowlege.

Q Now, it's a fact is it not, sir, that people without B.S. or ASCP certification, B.S. degrees or a certification were permitted to the examination of Med Tech 2, and 3 in 1969 and 71.

A They were.

Q Why was that?

A It was basically I believe on the ordnance posed by the Board of Supervisors allowing people to participate in the examination at that time.

Q That ordinance was only of a temporary nature?

A I think there were limitations on it. I'm not certain and I'm not fully familiar with the total context of that other than the fact that they were permitting people to take the examination.

Q Would you know how many people took advantage of that special privilege and successfully took advantage of that situation?

A I don't know. I don't know that.

Q You don't know that. Are you familiar with anything having to do with the racial makeup of the Nassau County Medical Center or the Nassau County Civil Service Commission in general?

A No.

Q Mr. Fontana, can you tell us something about your educational background and professional training?

THE COURT: What is the purpose of this?

MR. SPIZZ: I'm going to seek, go into this with Mr. Fontana about Mr. Petello, Mr. Deagnan and Mrs. Durlam, these are the people along with, Mr. Brennan, who made the report that did effect make it a requirement to have a college degree for this job and it seems to me that the qualifications of an individual who made that determination would be material to this case, your Honor.

THE COURT: I think it goes back too far.

MR. GALLAGHER: Outside the scope of the cross-examination.

THE COURT: It's not outside the cross-examination. It is proper cross-examination, if I permit it. I don't want to go into the background. I will allow one or two questions.

Give us your background generally?

A I have completed three years of college. I majored in business administration. Professionally I am in the field of personnel for over 25 years. I worked in the private sector for about 15 years and the past ten years in government.

Q Mr. Fontana, have you ever had any training in the area of tests validation?

A I have not.

Q Or job criteria validation?

A I don't know what you mean by job criteria validation.

Q The process by which one determines whether or not a specific qualification for a job is valid. I would address myself specifically to the parameters determined by the Equal Opportunities Employment Commission in their guidelines?

A You lose me.

Q Are you familiar with the Equal Opportunities Commission guidelines as to validation of job criteria?

A I'm not familiar with it.

Q Are you familiar with any professional treatises or sources as to the process by which job criteria are validated?

A Not totally, no.

Q Well, in what way are you familiar with them?

A Through developing job descriptions and all the work that goes into writing the description.

Q Do you know anything about Mr. Vito Petello's background?

MR. GALLAGHER: Objection.

THE COURT: Yes. He's going to be a witness.

MR. GALLAGHER: No, your Honor.

Q I will ask the question next to Mr. Brennan or to Mr. Deagnan?

THE COURT: He's going to be here.

MR. GALLAGHER: No, your Honor.

MR. SPIZZ: Objection sustained as to the question?

THE COURT: Yes.

Q As to Mrs. Durlam?

MR. GALLAGHER: Objection also?

THE COURT: Do you know their backgrounds?

THE WITNESS: I know very little about it, your Honor.

THE COURT: What do you and how do you know about it?

THE WITNESS: By what they told me.

THE COURT: I don't want it. It is not

comprehensive, it is hearsay.

Q Mr. Brennan, do you have anything in writing as to his qualifications, he was the team leader from Kress, Patchett?

A No.

Q Do you know anything of your own knowledge?

MR. GALLAGHER: I think those questions have already been asked as to Mr. Brennan. You asked them a long time ago. He told you some basic information about them. I don't recall specific questions.

THE COURT: Do you know them as a co-worker only?

THE WITNESS: Yes.

THE COURT: I won't take that.

Q Let's talk about the desk audit. What exactly is a desk audit?

A It's actually going to a person's station of work and interviewing them about the specifics of their job. What they do. How they do it. The level of responsibility or authority. If they have a supervisory capacity, who they supervise. Kinds of things they are responsible for. We actually look through any documentation that is an inherent part of that job. What do they have to do, the necessary testing procedures that they might have and we are talking

specifically, about the technologist and technician.

Q When you say we, who is we?

A Again I am referring to the survey team.

Q Those names that you have mentioned?

A Right.

Q Now did any of you in your desk audit have occasion to be involved in the blood bank?

A I am sure we did. I'm sure we did.

Q Do you know how much time was spent in the blood bank?

A No, I can't answer that.

Q Or what was done in the blood bank?

A We conducted a desk audit in the blood bank.

Q You mean you did a ten percent sampling, what do you mean by a ten percent sampling?

A If you had a thousand jobs we would sample 100 of them.

Q Is it conceded that there were 10 medical technologists in the blood bank, there was one desk audit, at least one out of the ten?

A Conceded.

Q Do you have any records as to that?

A Yes, I believe we have the questionnaires from the study.

Q Do you know if there is anything in the report that indicated that there was a desk audit at the blood bank as to a Medical Technologist 1 and to who specifically was audited?

A Yes. I believe the questionnaire will show that.

Q Do you have it with you in court?

A No, I do not.

Q You testified that the requirement as to the degree of education that should be achieved was primarily determined by the employee's immediate supervisor. Is that not correct, sir?

A I don't know if it is the primary source.

Q Initial?

A The question was asked of the immediate supervisor, what his feelings were per question. From there it would go to the department head and you started out and you talked to the immediate supervisor -- that's right.

Q Did you have occasion to speak, in connection then, to the immediate supervisor of the blood bank about the qualifications for a Medical Tech 1?

A I can't answer that.

Q You don't know?

A No.

Q Do you know who the immediate supervisor was during this period?

A I don't know. You are going back ten years ago.

Q Did you speak to every immediate supervisor in the entire Nassau County Civil Service Commission as to this question or was it a ten percent sampling?

A We did check with all supervisors.

Q One hundred percent?

A Yes. If not by personal contact, when the allocation sheets went out the department head and the immediate supervisor had an opportunity to review the job specifications at that time. If you wanted to make any corrections and recommendations to change it they could do so.

Q Do you know if Mr. Davis was the supervisor of the blood bank back when the survey was being conducted?

A His name sounds familiar, but I don't know.

Q Do you know if you spoke to him?

A I don't know.

Q Do you know if Mr. Davis had a college degree at the time when you spoke to him?

A No.

Q Would it surprise you that he didn't have a college degree --

MR. GALLAGHER: Objection.

THE COURT: Sustained.

Q You indicated that you submitted a personnel allocation list to the department heads for review. In the case of Mrs. Townsend, what would that have meant in the case of Medical Tech 1, Blood Bank, that would have gone to the --

A I don't agree myself. I could just say that a general allocation was presented to the department head showing every employee, their old title and their reclassified title.

Q When you say generally, that would mean also in all cases?

A In all allocations?

Q Yes.

A Yes.

Q You mentioned research into similar positions in other jurisdictions. Was this in a Civil Service Commission area or also in a private industry?

A Primarily in government areas.

Q What jurisdiction did you do research in, what specific ones. Do you recall how many or where they were?

A State of New York, City of New York. City of Philadelphia. State of Pennsylvania. Those are the ones that come to mind immediately.

Q This material was looked at by you and the

four other individuals you mentioned?

A That's right.

Q Did you go anywhere else besides you five people, before it was submitted to the Nassau County --

A Not to my knowledge.

MR. SPIZZ: No other questions.

REDIRECT EXAMINATION

BY MR. GALLAGHER:

Q Just one other question, Mr. Fontana. In developing a job classification for positions of medical technologist 1, was that job specification intended to encompass the only the duties of Medical Technologist 1 in the Blood Bank?

A No, it was not.

Q So there were other duties in addition to that list in the job that you spoke of?

A Yes, there are.

Q That were performed in other areas of the hospital?

A I think 8 or 9,serology, hemotology. It was used across the board in the laboratories, all laboratories.

MR. GALLAGHER: I have no further questions.

THE COURT: Thank you very much. I have to start another case now.

(witness excused)

THE COURT: Do you want to come back tomorrow afternoon, I can give you a half a day or I can give you almost all of Friday? How much more time do you need?

MR. GALLAGHER: I just have a very brief witness who is here. Would you take her, it won't take as long as Mr. Fontana.

THE COURT: What is she going to testify to?

MR. GALLAGHER: She's head of a department of how the job specifications are reviewed and up-dated to the present time.

THE COURT: Do you have those materials on the questionnaires?

MR. GALLAGHER: In the office, at her office at 140 Old Country Road, Mineola.

THE COURT: I think I would like to have them brought in. Let counsel see them with respect to the blood bank. Do you have them, could you bring them in from the blood bank?

MR. GALLAGHER: You want me to come in Friday with additional testimony and material?

THE COURT: It might be best to put it over until Friday. Maybe you could look at that material

tomorrow. Go over it with counsel and talk about it. I'll speak to him about it.

MR. SPIZZ:

THE COURT: Are we going to have an expert at all testify on the college degree, about the requirement of a college degree?

MR. GALLAGHER: No.

THE COURT: ARE we going to have the '71 or the '73 test?

MR. GALLAGHER: No. We don't have them in our custody. They are in the state's custody, the state examinations which they have. I assumed that this case was only with regard to this complaint as to qualifications in 1973. There was no examinations being challenged. Then Mr. Spizz originally brought it in --

THE COURT: I think that puts the case in a different light. Now it comes down to the pleadings.

MR. SPIZZ: I would disagree, your Honor. What I did is relevant to this case. This is not on the Griggs, the Griggs aspect of the college degree as to the test which I have submitted, there is no statistical proof, not along the Griggs line. In my law suit I ask Mrs. Townsend to be reappointed and I say in the complaint I challenge the use of the degree requirement.

THE COURT: As to a medical technician?

MR. SPIZZ: And challenge the use of MacDonald Douglas vs. Greene.

THE COURT: I have to cut you off, I have another case.

MR. SPIZZ: It is my belief he has to come forward with the test.

THE COURT: Can you get the test and let me look at it?

MR. GALLAGHER: They won't give it to us. We had the same problem in another law suit.

MR. SPIZZ: They used the test?

MR. GALLAGHER: Well, Mr. Levinson can explain to the court the procedure, when they give us the test and they take it back.

MR. LEVINSON: It's shifted down, it's sealed and put back under a seal and it goes directly back to the State. It never really comes into our hand.

MR. SPIZZ: You could supoena the test, for example, for the validation of the test since --

THE COURT: There's a validation for the test?

MR. LEVINSON: I have no idea.

MR. GALLAGHER: I don't know.

THE COURT: I'm not telling anybody how to try the case. I'll see you all Friday at 10:30.

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MR. SPIZZ: Friday morning, 10:30?

THE COURT: Unless you want to come back tomorrow afternoon. I think it's probably best to take the full day, shouldn't you?

MR. GALLAGHER: I think tomorrow afternoon would be better for my schedule. I have a couple of State Court actions.

THE COURT: At 3:00.

MR. LEVINSON: If I can find it.

MR. GALLAGHER: Try to get the material together.

THE COURT: Thank you gentlemen.

(These proceedings were concluded for the day)

(Continued on next page - Sept. 24, 1975)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------x

MARGARETTE TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY CIVIL SERVICE COMMISSION,

Defendant.

75-C-294

----------x

United States Courthouse
Brooklyn, New York

September 24, 1975

B e f o r e :

HONORABLE JACK B. WEINSTEIN, U.S.D.J.

RAYMOND P. STALKER
ACTING OFFICIAL COURT REPORTER

Appearances:

HARVEY SPIZZ, ESQ.
Attorney for Plaintiff

JAMES GALLAGHER, ESQ.
Attorney for Defendant

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THE COURT: Yes, do you have another witness?

MR. GALLAGHER: Your honor, I think it would be best to call Mr.Fontana back to the stand, because we have that material that you requested reproduced today. I have showed it to Mr. Spizz. Here is a list of questionnaires that were filled out from the Blood Bank during the survey.

THE COURT: Are you offering them, mark them.

MR. GALLAGHER: Your honor, I just received them a few minutes ago and I had an opportunity to look them over. I would have no objection to the introduction into evidence.

MR. SPIZZ: I might point out,Your honor, one of them that is being introduced into the evidence is similar to the one I received and is illegible. Sir, the third one from the top.

MR. GALLAGHER: I don't know what name is on it.

THE COURT: Mark it.

MR. SPIZZ: There is a name on this that is entirely illegible. Sir, I don't know what name is on it and --

THE COURT: Defendant's Exhibit A.

THE COURT: Mark it in evidence.

THE COURT: Defendants Exhibit A in evidence.

ALBERT FONTANA, having been called as a witness having previously been sworn by the Clerk of the Court, was examined and testified further as follows:

DIRECT EXAMINATION

BY MR. GALLAGHER:

Q Mr. Fontana, you recall testifying yesterday in stating certain questionnaires were submitted to the employees at the Nassau County Medical Center.

A Right.

Q And you produced those questionnaires today?

A I have.

Q That relates to the employees at the Blood Bank?

A Right, that's correct.

Q Could you tell the court --

THE COURT: I don't understand. I have them before me. I don't understand why we have to have one from the plaintiff.

MR. GALLAGHER: Because we don't have this one.

THE COURT: She was employed then.

MR. GALLAGHER: She was. I don't know why she didn't fill one out.

THE COURT: Did you fill one out?

MRS. TOWNSEND: No.

THE WITNESS: She might have come in that period

of time that the questionnaires had already been distributed and there was a cut-off period that we would not accept questionnaires after a certain period of time. It isquite possible that Mrs. Townsend was not given a questionnaire at that time. Maybe at that time they had already been passed out to the people to submit questionnaires.

MR. GALLAGHER: I believe Mrs.Townsend testified she did not fill out a questionnaire, but she was interviewed in her direct examination.

THE COURT: Alright, go ahead.

DIRECT EXAMINATION

BY MR. GALLAGHER:

Q Mr. Fontana could you please tell the court what positions under the old classification system, that is prior to the Kress, Major and Patchet Survey, were comparable to the new position after 1967 of med tech 2, medical technologist 3,?

A The title of Medical Technologist 1, is under the, came into being as a result of the Kress Major Study. The title in the old plan was microbiologist 1. The title of micro -- I'm sorry. Medical Technologist 2 related to microbiologist, Senior Microbiologist in the old plan.

Q What about medical technologist 3?

A The third level of medical technologist 3 related to the principle microbiologist in the old plan.

Q You have the questionnaires with you don't you?

A Yes, I do.

Q Would you please look at the questionnaire for George Davis?

THE COURT: What about plain microbiologist? Microbiologist 1?

MR. GALLAGHER: That's what he meant by biology, 1, 2 and med tech 1 and 2.

THE COURT: Mr. Sickles became a medical technician 1.

THE WITNESS: Technologist 1,. Right.

THE COURT: Is that what she is now?

THE WITNESS: I don't know what her classification is.

MRS. TOWNSEND: She is no longer in the center.

THE COURT: The senior laboratory technician was under the old plan as what now?,

THE WITNESS: That was under the old plan, it became laboratory technician 2 under the new plan.

THE COURT: Justlaboratory technician?

THE WITNESS: It became lab technician 1.

THE COURT: Lab tech 1. So James Valenti was a Senior Laboratory technician, became a lab tech 2 technician?

THE WITNESS: That's correct.

THE COURT: What is he now?

THE WITNESS: I believe he is presently the coordinator of Laboratory Services. I think he has been upgraded since that time. I don't really frankly -- I don't know.

MR. SPIZZ: We know, Your honor.

THE COURT: What?

MR. SPIZZ: We know he is a med tech 1 in the Blood Bank.

THE COURT: He passed the test?

MR. SPIZZ: Yes.

THE C OURT: And Cathline Linch is still in the above ank?

MR. SPIZZ: No, Your honor. The plaintiff informs me she is no longer in the Blood Bank.

THE COURT: What about Walter Dickson?

MR. SPIZZ: Dickson was a part-timer. He is not in the bank.

THE COURT: What about Ms. Chellist, as a nurse?

MR. SPIZZ: No she is not involved.

THE COURT: Alright.

Q Do you have the questionnaire for George Davis?

A Yes, I do.

Q What was his position prior to the Kress, Major Patchet as indicated by the questionnaire?

A Senior Microbiologist.

Q As you stated before under the new system he would have been a laboratory --

A Microbiologist.

Q A medical technologist 2, is that right?

A Correct.

Q And do you know whether Mr. Davis was interviewed about the duties in his position?

A Yes, he was.

Q And how do you know that?

A It is indicated by the letter over his name on the questionnaire. You'll notice it's on the right hand margin of the questionnaire, pencil notes that were recorded by the person who actually audited Mr. Davis' position or talked to Mr. Davis personally.

On the right hand margin of the --

Q What page?

A Page one. You may not have that on your copy,.

Right.

Q Is that legible on the court's copy, Your honor?

THE COURT: Some of it.

Q Are you sure that's the judge? Maybe it is more legible.

THE COURT: Well, whatever you think it needs to be considered, you better read into the record because it is hard to read.

MR. GALLAGHER: Well, the questionnaire above Mr. Davis' name the letter A is present, and above it is the letter S Davis. Also on the page there are pencil notes in the margin under the title of description of duties. Thenote appears to say supervisor of Blood Bank Typing. I can't make out the next two lines and then it goes on, there is a line drawn on the right under that and is, "all task of A.S.P.C." amount and the last word I cannot make out either. Then under that in writing there is no degree, 20 years lab experience.

Q Now, in Mr. Davis' questionnaire, Mr. Fontana is there an area in which recommendations are made by supervisor as to what qualifications for the position are senior micro biologist, which later became medical technologist 2, should be.

A Yes, on the reverse side of the questionnaire that portion which is entitled, "to be completed by the immediate supervisor". Item 20, it states "indicate type of training, experience, you believe necessary to fill this position properly," and Dr. Sano at that time, who was Mr. Davis' immediate supervisor indicates a minimum of five years of scientic laboratory experience, B.S. or B.A. Degree. Registered as a medical technologist or equivalent experience.

Q Is that indicated in any particular number of this form?

A Item 20 of the reverse side of the questionnaire itself.

Q Do you have the questionnaire for Carlin Sickles?

A Yes, I do.

Q Does it indicate on the questionnaire what position Carlin Sickles occupied prior to the new classification of titles under the Kress, Major & Patchet Survey?

A He held the position of microbiologist.

Q Which is the equivalent of a new medical technologist 1?

A That's correct.

Q And does it indicate on that form whether Mr. Sickles' job was audited personally?

A There is no letter, A in there, so my feelings would be that he was not interviewed at that time.

Q And is there a recommendation by a supervisor here that indicates the qualifications one should have for the position?

A Yes. Item 20 on the reverse side of the questionnaire.

Q And what does that state. Please?

A It says at least two years experience or training, including one year laboratory school. Three or four years college education, B.S. or B.A. Degree. Graduate of recognized laboratory school. Registration in medical technology or certification of A.S.P.C. or equivalent. Post Graduate college training.

Q And is that signed?

A Signed by George F. Davis, immediate supervisor.

Q Do your records indicate that Mr. Fontana, how many audits were taken at the Blood Bank of the Nassau County Medical Center in conjunction with the Kress, Major and Patchet Survey?

A In reviewing the questionnaire, there were at least three audits conducted in the Blood Bank.

Q Do you mean three separate people were audited or went out there separately, three times or some one inter-

viewed three people?

A Three separate people were interviewed at the Blood Bank.

Q And do you know who they were besides Mr. Davis?

A Mr. Sickles and Ms. Elain Uroppa.

MR. GALLAGHER: I have no further questions.

CROSS EXAMINATION

BY MR. SPIZZ:

Q Mr. Fontana, the question is that you brought down today and had been introduced into evidence, are these all the questionnaires that you have that were done at the time of the Survey and the job audit with respect to the Blood Bank?

A That's right.

Q And do you know how many peoplewere working in the laboratory at the time of the Survey in the field of Technology, I am excluding nurses?

A Is your question - are they still?

Q How many people were working in the Blood Bank Laboratory during the time of the Survey, and I believe you testified that you commenced working on this operation in 65 and it took almost two years to complete?

A Right.

Q Now, I am asking you if you knew or you know how many people were working in the Blood Bank Laboratory in

the field of medical technology, that is to say, not including nurses at the time you conducted your survey.?

A Well, in reviewing Mr. Davis' questionnaire, he indicates I believe the people under his supervision in the Blood Bank, and I think it might be possibly ten. Possibly eight, including the nurse,.

Q Why don't you look?

A Under #8, supervision of others, and he lists the titles, plus the people that were under his direction at that time. Do you have that?

Q On Davis' questionnaire?

A Right.

Q That's #14, isn't it, Item #14, not item #8?

A I have item #8 on what I have.

Q On mine, it is item #8, it would be length of lunch period on the questionnaire. I see for item #14 lists the names and titles of employees that he has. It would add up altogether to eight. There are grades, there is a grade #13. Two are grade #13, three grade #10, one grade #8, and two are part-timers.

So, perhaps we are looking at different questionnaires.

A I have just what you repeated on the reverse side. I do have another statement here from Mr. Davis'

questionnaire. It gives the names and titles under direction, people with direct supervision.

Q That would be, let me see it.

A You see that?

Q Yes. In the second series. There it is called #8.

A Right.

Q I see. This lists #1, #2, #3, #4, #5, #6, #7. I see. Margaret Townsend's name is down here, is that not correct?

A Yes.

Q As a matter of fact in all capitals for some reason. She is the only one in capitals.

Now, Mr. Davis, one of the three you interviewed he was a grade 16, was he not, at the time of the Survey?

A Yes.

Q You determined that by directing your attention I gather to item #3 on the face page of the questionnaire?

A Right.

Q And you also indicated that Dr. Sano indicated that he thought the minimum experience should be among other things a B.S. or B.A. Degree. You also testified that as to the Sickles questionnaire, she was a microbiologist, which later became a med tech 1. Mr. Davis indicated as her super-

visor that a B.A. or B.S. Degree, it is just listed here, one doesn't know exactly the significance, it is listed there under title and experience, you believe necessary. Then it says, "Post Graduate College Training".

Now, do you know if Mr. Davis had a college degree,?

A I don't know. But again referring to the questionnaire on --

Q Isn't it a fact,sir, that Mr. Davis did not have a college degree and don't your records show that, doesn't the questionnaire show that? I believe you mentioned on your direct testimony?

A That was on the basis of an interview with Mr. Davis.

Q Do you have any reason to believe that Mr. Davis when he said that he didn't have a college education, did you disbelieve --

A No.

Q So, he did have a college degree?

A I don't know.

Q You don't know, but the information you have reflects that on the form, it was gathered in the course of the survey that your department was conducting?

A That's right.

Q Now let's refer to Mr. Sickles or Mrs. Sickles. She was a grade thirteen, wasn't she not?

A I just don't have her questionnaire here. Here it is, I have it.

Q She was a grade #13?

A Right.

Q You're saying that based upon the fact that you're looking at the questionnaire, right, sir?

A Right. Incidentally, all that information was verified by the Civil Service Commission Staff prior to the audit.

Q That would include that Mr. Davis did not have a college education, that was also verified?

A Top portion, this item. I am talking about this item, one through five, they were verified by the staff.

Q Other items are not verified, sir?

A Only through the interview.

Q The other items are not verified, is that not correct?

A Pardon.

MR. GALLAGHER: I object to that.

MR. SPIZZ: They are not verified.

MR. GALLAGHER: It's not necessary to raise your voice.

MR. SPIZZ: I am sorry if I raised my voice.

Q That means they were not verified, you're saying?

A I am not sure what they are referring to.

Q You just told me items #1 through #5 were verified. Whatever you meant by that. With reference to the other items, were they verified based upon your meaning of verification?

A Yes, they were verified.

Q Fine, thank you.

Now, speaking about Ms. Sickles: She was a grade #13 at the time of the Survey?

A Right.

Q I gather that after the Survey she became a med tech 1?

A Yes, that's right.

Q Do you know what her grade was?

A Under the new plan?

Q Yes.

A Grade 10.

Q She was in fact brought down in grade.

A No. Because there is no comparison. The grades were compared under the old scale and the new salary plan --

Q I see. You don't know then as a result of the plan what happened to her salary, whether it went up or down?

A I think it was increased.

Q It was increased. Now, as to Margaret Townsend. I asked you some questions yesterday about her and now you don't know the answer. Perhaps, in view of your looking at the additional information, you might know the answer. She had been a lab tech 2 at the time of the Survey?

A I really don't know what her classification was.

Q Let's look at Mr. Davis' questionnaire. Let's look at it. He puts it down., it's his employee. He puts down for her lab tech 1.

A That's correct.

Q Simply lab technician. Do you know what she became after the Survey?

A No, I do not. If her classification at this point was a lab tech, we would -- well lab technician 1 would be under the new plan. Under the old plan it would have been simply laboratory technician.

Q I see. She did in fact though become a med tech 1. She became a med tech 1 in July of 1967: Do you know when the new titles went into effect?

A July 7th, 1967.

Q So everybody got a new title?

A That's correct.

Q Now, she became a med tech 1 on July 7th, and prior to the Survey she had been a laboratory technician. It would appear from Mr. Davis' answers.

Based upon your position in the Civil Service Commission, do you know why she became a med tech 1?

A I really don't know how that happened. I don't know.

MR. SPIZZ: I have no further questions of this witness.

THE COURT: Thank you sir.

NEXT WITNESS: (Witness excused).

MR. GALLAGHER: I called Ms. Ruth Roswick.

MS. RUTH ROSWICK,

having been called as a witness on behalf of the defendant, first duly sworn by the Clerk of the Court, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. GALLAGHER:

Q Ms. Roswick, by whom are you employed?

A Nassau County Civil Service Commission.

Q What is your title with the Nassau County Civil Service Commission?

A I am a personnel specialist 4.

Q When did you become employed by the Nassau County Civil Service Commission?

A In June of 67.

Q What title did you hold then?

A Personnel Specialist. Well, it was personnel assistant and in July it became Personnel Specialist 1.

Q What were your duties as Personnel Specialist 1?

A Well, this is more or less of a training position since there were no requirements, but the degree, college degree was required. So I was assigned to the classification of Civil Service and I became involved in classification positions according to the request submitted by the Department of the County. I was working exclusively on County requests at that time.

Q Well, what did you do when a request came in, in the course of your work?

A Well, the Department calls up and says they have, evidentally they wanted a position filled. They sent a statement of duties and they list the duties. Who will supervise the position and whom the position will be supervised by. It would also list the qualifications for the position as the Department wants them to be. Then it is officially

assigned by the Department.

This request for the position is then reviewed. They also submit a proposed title at the same time. This position, these duties and this piece of paper is compared with the specifications for the proposed title. If the whole C.S. four compares favorably with the specifications, then the title is assigned and is certified with the Commission.

Q So, you were involved in that kind of work?

A Yes.

Q And how long did you work in that position?

A Approximately two years.

Q And what title did you have after that time?

A I was promoted to Personnel Specialist 2.

Q What were your duties in Personnel Specialist 2?

A It was the extent of the same duties as Personnel Specialist 1. But I became involved to some extent with a Survey that was going on in the County at that time. Because the Nassau County supervisor oversaw the County, but it was over the town and all the other jurisdictions as a special distinction, the school districts and everybody. But, also the cities that are out on the Island. I became that because I had the training and I started writing my own spedifications for new titles at that time.

Q Did you move on to another title after that?

A Yes. I became I think in the beginning of 1970, I was promoted to Personnel Specialist 3.

Q What did you do as a Personnel Specialist 3?

A As a Personnel Specialist 3 I was now advanced enough to be able to go out and audit positions myself. To supervise and train subordinates. To supervise or assist in supervising the clerical staff that was assigned to the section. To evaluate and make reports,updating studies and reviews of requests for new positions.

Requests for salary evaluations, requests for people, why they are not in one title and not in another.

This is called -- In other words, employees also can send in requests if they are working out of title. Classifications as to go out in order to determine the appropriate title for the position.

A Personnel Specialist 3, I would go out and audit and reclassify the job as requested.

Q Did you have a request from the Medical Center to audit the position of Medical Technologist 1?

A No.

Q Now what position are you presently holding at the Nassau County Civil Service Commission?

A Personnel Specialist 4.

Q What are your duties as Personnel Specialist 4?

A I supervise the classification unit of the Civil Service Commission.

Q Are you familiar with what method one must follow in order to obtain the pertinent appointment to a competitive position in the Nassau County Civil Service Commission?

A Yes.

Q Could you outline those steps for the court, please?

A First step, the department must do is submit this CS4 or request for classification of a position. This is as I again repeat, at the beginning is a duty statement. With a statement of the qualifications that the department thinks the position should have.

They also propose a title for the position. This is reviewed, as I said, and a title is assigned to the position. The next step, this is approved or certified and is sent back to the department.

The department again has to request an eligible list. If there's no eligible list, they have to obtain permission to appoint, to make an appointment for an appointee. If they obtain one. Well, if the person is appointed, then whether it is on approval, whether it's on a permanent basis, from the list, then they have to secure a satisfactory probationary

period. After a satisfactory probationary period they then get permanent status.

Now, a professional has to first take the examination. If this, if he comes in to it by appointment, after he takes the examination, he must have passed the examination. He must be reachable on the list, that is established as a result of the examination. He must be appointed by the department from the list. Then he must pass a satisfactory probationary period.

Q Are you familiar with the qualifications presently in existence for the position of medical technologist 1 in the Medical Center?

A Yes.

Q And what are they?

A They're a Bachelor's Degree in Science or certification by the ASCP as medical technologists.

Q Do you know how you become certified by the American Society of Clinical Pathologists?

A Not exactly. I have to look at their requirements which I have there. They have different requirements now which were just revised. But the person has to take a course and has to pass an examination that they gave.

Q Is that a training course?

A It is a training course.

Q Do you know whether there are any positions comparable to the position of Medical Technologist 1 in the Civil Service jurisdiction?

A We have it in another department. The Health Department uses it.

Q I am talking about other Civil Service jurisdictions, the State or the City with comparable duties?

A You mean outside of the County at this time?

Q Right.

A Yes. The State has a title of Medical Technologist and the City doesn't use that exact same title. They use Microbiologist titles.

Q Do you know what the qualifications necessary are for the p osition of Medical Technologist in the State are?

A The State just requires certification by ASCP.

Q What about the City?

A The City has their own test. The first level they call is the Assistant Microbiologist and this requires a Bachelor's Degree, including or supplemented by 24 credits in Biology or Chemistry of which 12 credits must have been in Biology and including at least two courses in the Microbiology and one year experience in microbiologic work.

THE COURT: Is that a City requirement?

MR. GALLAGHER: Well, I would like to offer this in evidence.

THE WITNESS: That's the City requirements. The next step, they go into the specialties.

THE COURT: Mark it.

THE CLERK: So marked.

Q Was this obtained from the City?

A Yes.

Q This is obtained from the City of New York?

A Yes. If you notice the date, this is a new specification.

Q I see the date.

A In other words, they just sent it to us recently. I can't show you the old one because we get new ones and the old ones are pulled out of our books.

THE CLERK: Marked as defendant's exhibit B.

THE COURT: Well, the Assistant Microbiologist, what is the equivalent in your terminology?

THE WITNESS: I would say it is one level up.

THE COURT: Medical Technologist?

THE WITNESS: Medical Technologist 1.

Q Ms. Roswick, are you familiar with a comparable title in the Federal System?

A No, I am not.

Q Have you consulted with any texts with regard to requirements for a comparable position?

A Yes. We referred to the two books, namely for these titles. One of the books on titles is from the hospitals which gives us a job description.

Q Do you have that book with you?

A Yes.

Q What is it on?

A Job descriptions and analysis for hospitals and related health services. It is issued by the United States Department of Labor, Manpower Administration.

Q Doyou know what page in that book would be relevant to this?

A I think it is on pages 280 and 281. This is the one on medical technologists. Then they have a Specialist 1 for microchemistry or technology. Technologists. Then, there is a specialist 1 for Blood Banking Technology, Medical Technologists, Blood Banking. This is what they call it.

THE COURT: All on page 285?

THE WITNESS: The Blood Banking is page 253.

MR. GALLAGHER: I have some extras to save some time. I have the relevant pages.

THE COURT: Mark it as defendant's Exhibit C.

THE COURT: So marked.

MR. GALLAGHER: Your honor, I have no further questions of the witness.

THE WITNESS: There is another one, there is a Dictionary of Occupational Titles that we use.

MR. GALLAGHER: Who is that put out by?

THE WITNESS: It is put out by the Federal Government. The Department of Labor, Manpower Administration. This is the general book of titles and requirements and descriptions which is used by all Federal Government Agencies, E.O.C. and all of them. They describe the job information under Title 62.96. There is also a dictionary of titles.

THE COURT: Mark those pages.

MR. GALLAGHER: How many copies do you have?

THE WITNESS: I have three copies.

THE COURT: Mark the defendant's Exhibit D.

THE CLERK: So marked.

THE COURT: There are medical technologists on page 281 under the United States Department of Labor job description, defendant's Exhibit C, would that be equivalent to the Nassau County Hierachy?

THE WITNESS: This would be our medical tech-

nologist 1.

MR. SPIZZ: What page is that, Your honor?

THE COURT: Page 281.

MR. SPIZZ: 281. I don't think I was given page 281. I see there is -- it's here, fine. Thank you very much.

THE WITNESS: If you notice on the top of the page it says Medical Technologist and they have other numbers that that position refers to in the two books.

THE COURT: The Biochemist Technologist which is on 250?

THE WITNESS: Yes.

THE COURT: Of the United States job descriptions, what would be that?

THE WITNESS: That would be equivalent we have - specialist for biologist, chemist, microbiologist, 1, 2 3.

THE COURT: You wouldn't have that?

THE WITNESS: We don't use that title.

THE COURT: Then the Blood Bank Technologist, which page is that?

THE WITNESS: 253.

THE COURT: What would that be?

THE WITNESS: That is our medical technologist 1.

THE COURT: That requires three years of college?

THE WITNESS: Just one year's experience.

THE COURT: Plus one year in school.

THE WITNESS: And a training course by the American Society of Clinical Pathologists.

THE COURT: And this is the 1970 Edition of the job description:

THE WITNESS: Yes. This is the revised Edition in 1971. I think we attached the title of that.

THE COURT: It is a revised edition from 1970?

THE WITNESS: This book is 1971. It is the same.

MR. GALLAGHER: That is the book you took the example from?

THE WITNESS: I don't know why they made a copy of the 1970 book over the cover sheet.

THE COURT: Let me see the portion referring to the Blood Bank Technologist description in 1971.

THE WITNESS: That is the last test that we have.

THE COURT: Thank you. The job duties and the educational training and experience written appear to be identical. This is the 1970 Edition. It says revised in 1971. On the outside cover in the front it says revised 71. But it is 1970.

THE WITNESS: I made a copy of the inside cover

sheet,.

THE COURT: It is a 1970 Edition. Thank you.

THE WITNESS: You're welcome.

THE COURT: Just one second.

MR. SPIZZ: Certainly.

THE COURT: Now turning to the Dictionary of Occupational Titles, 1965 Volume, the one by the United States Department of Labor, page 12. It shows at point 281, is that 281?

THE WITNESS: This is 381.

THE COURT: That is medical technologist.

THE WITNESS: It says medical technologist, yes.

THE COURT: For page 281.

THE WITNESS: Right. It says 281 there, yes.

THE COURT: That is the equivalent of your medical technologist 1. It says training time, you see it in the last column?

THE WITNESS: Yes. The training, that's right.

THE COURT: Under Educational Training?

THE WITNESS: General educational development? There are the last two pages, the equivalent general educational development,.

THE COURT: What does that mean?

THE WITNESS: Under #5 it tells you the reason

being development and the language development that the position requires.

THE COURT: And SVP, what does that mean?

THE WITNESS: That's the specific vocational preparation. It says four years. That means it's equivalent to four years of educational training.

THE COURT: What does this have?

THE WITNESS: It doesn't say whether it's college degree or high school or anything like that. But in other words, the training for medical technologist ought to be two or four years, whether it is in the field or it is --

THE COURT: Is that post high school?

THE WITNESS: They don't describe, you see it?

THE COURT: This doesn't require a degree. That is the question before us.

THE WITNESS: The educational requirements, but the training actually on medical technologist is certification by ASCP and it requires a Bachelor's Degree which includes the training.

THE COURT: Well, now Level 5 on the GED, General Educational Development requires that such a person have the following reasoning development supplied by the principle of logical or scientific thinking to

define problems. Collect data, establish facts, and draw valid conclusions. They have to interpret an extensive variety of technical instructions in books, manuals to gather material. They have to deal with several abstracts and concrete variable in mathematical development. Such as a person must apply knowledge of advancement medical and statistical data such as in advanced calculus and factors analyzed and the probability of determination. Work with a wide variety of theoretical matters on concepts and make original applications of mathematical procedures as emperical and differential equations.

Under language development, such a person must be able to interview persons or advise such people as studies, clients or patients in such matters as well as vocational rehabilitation, mental hygiene or marital relations and evaluate an engineer's technical data to design buildings and apply most of that. It appears not to be applicable --

THE WITNESS: That's right. The last the mathematical development isn't a person --

THE COURT: That most of the language?

THE WITNESS: The language, they do probably prepare some reports in their investigations and --

they have interviews and they have to know what they have seen under a microscope.

THE COURT: What is the reasoning development that is applicable to this job?

THE WITNESS: Well, they do have to apply the principles of medical pathology to their work. They do have to interpret what they see and what they're doing.

THE COURT: You would say reasoning development does apply?

THE WITNESS: The reasoning I would say does apply.

THE COURT: You may cross examine.

MR. SPIZZ: Thank you, Your honor.

THE COURT: I am sorry to interrupt, but I didn't want to go on without an explanation of these documents.

MR. SPIZZ: Absolutely, Your honor. No problem.

CROSS EXAMINATION

BY MR. SPIZZ:

Q Take a look, if you would, Mrs. Roswick, at the two pages, page 253 of your Exhibit B, defendant's Exhibit B. At the top it says Blood Bank Technologist, Job Duties, the functions, administer transfusions?

A Yes.

Q Do you see that?

A Number four, which paragraph?

Q To store blood?

A Yes.

Q The first one?

A To transfer blood and the fourth item there.

Q Right. Do you know if the medical technologist in the Nassau County Blood Bank administers transfusions?

A Not that I am aware of.

Q Isn't it a fact, Ms. Roswick that only a medical doctor would administer blood transfusions?

A I don't know.

Q Going down towards the middle of the job duties where you started talking about donors, scheduled donor appointments and all the way up through until taking blood from patient, the whole paragraph appears to deal with the donor room functions, does it not, Ms. Roswick?

A It appears to be, yes.

Q Are you aware as to whether or not a study -- Do you know if the Nassau County Medical Center School, which is approved by ASCP, in order to have a training course to get a degree from the ASCP, certification, are you aware as to whether or not you have to study a program of anything about a donor room procedure?

A I have no idea what the program consists of except the length of time that they cover, all the time in the laboratories.

Q Well, isn't it a fact Ms. Roswick, they don't learn anything about donor room procedures?

A I have no idea what their learning is.

Q Ms. Roswick, you mentioned you have a college degree?

A Yes.

Q What was your major?

A Statistical Science.

Q Statistical Science?

A Yes.

Q Now you mentioned the C.S.4, it comes from the department indicating a statement of duties and what the department thinks the qualifications should be?

A Yes.

Q From that you would then prepare the job specifications?

A When the position is established you mean?

Q Yes.

A It will be one basis for establishing job specifications, writing a job specification.

Q What would be the other basis?

A Well, there is a salary evaluation. How it compares with other positions. It is part of a series.

Q Who does the salary evaluation in comparison of other positions?

A We do.

Q When you say we?

A We the staff of the Civil Service Commission, particularly the classification section.

Q Which you are in?

A Yes.

Q After you have received the -- let's talk about, do you have anything to do with the preparation of specifications for medical technologist 1?

A No, not the original one.

Q The ones that are being used today.

A It was revised under my supervision there. I think it was as recent as 1974, 1975.

Q It was revised?

A It was revised, the date I don't know.

Q You're responsible for the last revised medical tech 1?

A The last medical tech 1.

Q Oh, one of our exhibits, I believe is --

THE COURT: Did you take it?

MR. SPIZZ: I didn't take any of the court's exhibits because I have my own copies. I think he has it. There it is.

Q I am showing you a medical technologist 1 specification of plaintiff's Exhibit A. Is that the specification that was prepared under your supervision?

A No. I didn't become supervisor until 1974. But I did prepare it as a personnel specialist 3.

Q You prepared this specification?

A This is a revised specification.

Q This is not the last specification?

A Yes.

Q You prepared this?

A Right.

Q Okay --

A Let me say this. I prepared the revised specification to the original one. This is a revision.

Q You prepared that document, is that correct?

A Yes.

Q In comparing that document, would you please describe the process that you used?

A We had in -- in this particular case, we had the specifications that were written at the time of the Survey in 1967.

Q When you say the Survey you mean the Kress Patchet Survey?

A The Kress Survey when the new titles were established in July of 1967. The specifications were written along with this Survey. We had one medical technologist 1. The specifications were not revised, as you can see, until 1973 when the question came up on qualifications. There is no question of the duties or anything else at that point. The qualifications were stated, number 1, you will see that part, you have to have a Bachelor's Degree. The same question came up with part B, and we had the American Society of Clinical Pathologists Certification. That certification questionbecame qualification in other fields of medical technologists. We were receiving applications from people who had that certification in other medical technologist fields. So, the revision made at that time to declare the ASCP Certification for medical technologist 1 was the only revision made.

Q Prior to that time had you required a college degree, prior to the preparation of that specification?

A Yes.

Q As to what specification did you require the degree?

A What do you mean?

Q When did you start to require a college degree

for the position of medical technologist 1?

A Well, the specification was established in --

Q 1970?

A 67.

Q In 67, after the Kress Survey?

A As a result of the Kress Survey.

Q And as far as the ASCP is concerned?

A That was part of it. That is where the two parts are, they are there.

Q As far as the ASCP is concerned, Ms. Roswick, do you in fact have to have a college degree or ASCP Certification?

A Today you do.

Q Were you involved in the preparation of the specifications in 1967?

A No. I didn't start working for the Commission until June of 1967.

Q So you weren't around when the college degree requirement came into effect?

A That's right.

Q Do you have a copy of the C.S. IV that the Medical Center gave to the department back in 1967 or 1966, at the time of the preparation of the specifications, new specifications that were in fact on the CS IV given to the

Civil Service Commission?

A No. I don't think the title was established. That is a matter of comparability. I wasn't involved in the Survey. I can't tell you now it worked. I couldn't tell you what the questionnaire was or how the CS IV worked or what the procedure was.

Q You don't know whether or not the establishment of a college degree was by a CS IV, you don't know if it was ever used?

A I don't know.

MR. SPIZZ: No other questions.

MR. GALLAGHER: That's all, Your honor.

THE COURT: Thank you. Ma'am. Anything else?

MR. GALLAGHER: That is the last witness the defense will call.

THE COURT: You have any rebuttal witnesses?

MR. SPIZZ: I would like to put on the plaintiff for some rebuttal.

MR. GALLAGHER: Your honor, before the plaintiff takes the stand, I would like to offer in evidence the revisions permitting people who didn't meet the qualifications originally to take the examination.

M A R G A R E T T O W N S E N D, having been called as a witness on her own behalf, having been previously duly

duly sworn by the Clerk of the Court, was examined and testified as follows:

THE COURT: Mrs. Townsend , you remain under oath. You are still under oath.

Defendant's Exhibit E marked in evidence.

DIRECT EXAMINATION

BY MR. SPIZZ:

Q Mrs. Townsend, you heard Mr. Scimeca testify during the course of this trial?

A Yes.

Q And during the course of his testimony, do you recall when he was asked as to whether or not he was asked about ASCP Certification, and what his answer was?

A Yes.

Q What was that answer?

A He belongs to the International Society of Clinical Pathologists and Technologists.

Q In other words he didn't have it?

A He did not belong to the American Society of Clinical Pathologists. It is a different organization for laboratory workers.

Q Do you have any certification other than the ASCP which you said you don't?

A I have the International Association of Laboratory

Technologists.

Q In other words, you have the same certification as Mr. Scimeca?

A Yes, sir. It is.

Q That is known as the R.M.D. Certification?

A R.M.T. Registered Medical Technologists.

Q I see. Would that have been any -- what is it, if you're a registered medical technologist, you're registered with the Board of American Society of Clinical Pathologists, is it different?

A That is the ASCP.

Q Right, but you are registered as a medical technologist?

A It is the International Association of Clinical Laboratory Technologists.

Q I see.

A They work in terms of like score or test or college and different technical backgrounds. It belongs to a different group that represents them and have meetings and they keep up on the latest things that are going on in the technical field.

Q Is it a recognized professional organization?

A Yes. It is National. They have a branch in New York State as well.

Q Are you aware of any special programs that the Federal Government has promulgated in the area of qualifying people to be medical technologists?

A Yes.

Q Could you indicate what that is?

A Well, I think it was a year or so ago. I was informed by the Association, International Association of Clinical Laboratory Technologists that they were trying to make arrangements for people like myself who didn't have a degree, which they stressed, now to be able to take an examination and be upgraded on it and be accepted as a medical technologist. The same as the ASCP members.

Q I am going to show you a document, Mrs. Townsend.

A Yes.

Q Do you recognize that document?

A Yes.

Q What is it?

A This is a slip that was sent from, sent to me from Albany. It's from the Department of Health, Education and Welfare.

Q Federal Government?

A Yes.

Q In what connection was that slip sent to you?

A This is for the examination that they're giving

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over a three year period to help technicians or people who are not ASCP technologists, to take an examination in the field and become registered medical technologists. Somewhat as they would say, grandfather clause for people who don't have college degrees or people like me who started ten or twelve years ago when it wasn't necessary to have one.

Q Did you take such an examination?

A Yes, I did.

Q And does that sheet not reflect your score on the examination?

A Well, with the examination, which was supervised by the State Inspector, part of the question is, they ask you how much time that you spend in what department. Of course I took the examination and I passed and I received a letter about the early part of September to be filled out and sent back to Albany so they can take the next one. That is coming up in September, in November.

Q In other words you're attempting to pass part of the test dealing with other specialties?

A Right.

Q Namely clinical chemistry, microbiology and hematology. You have already passed part of the test dealing with blood banking?

A Yes.

Q And this sheet reflects that?

A Yes.

MR. SPIZZ: I am going to offer this in evidence.

THE COURT: Mark this plaintiff's 14.

THE WITNESS: Could I say that the hospital is cooperating or going along with it. This week they are giving review instructions to people in the Blood Bank Department which I don't need. Next week, they'll be giving other areas to help people who don't work in those departments.

Q Are you going to take the review courses in those other areas?

MR. GALLAGHER: Objection.

THE WITNESS: Yes. I was asked to make a list of the Blood Bank people who don't work in the Blood Bank to help them in Blood Banking areas.

Q You asked to help teach?

A Not teach them, just to make a list of the questions.

Q You were asked to prepare material to help them review, to take the test?

A Yes.

Q Who asked you that?

A The laboratory manager, laboratory coordinator.

Q Is that Mr. Scimeca?

A Yes.

Q That means he is in charge of all the laboratories at the Medical Center?

A Right.

THE CLERK: Plaintiff's 14 in evidence.

Q By the way Mrs. Townsend, you testified back in 1963 when you were, I guess, a relatively young woman, you took a year's course in Hollywood, Florida Memorial Hospital?

A Yes.

THE COURT: Excuse me. I would like to get something straight on this. This is clinical laboratory technologist, not for medical technician?

MR. SPIZZ: May I see the form, Your honor? Yes, what this shows is an overall clinical technologist test. I was introducing it, particularly in the area of Blood Banking.

THE COURT: That would be equivalent as I understand it of a laboratory technician. Now she's seeking to be a medical technologist?

MR. SPIZZ: Let me ask her about that. I am not so sure-about all of that, Your honor.

Q Clinical laboratory technologist, what would that be in the Nassau County Civil Service Center?

A They don't use that system, but the letter that was sent was that, providing you make a passing score in all of those departments, you were allowed to be labeled as medical technologist or you are a laboratory supervisor or whatever it shows. You have to qualify, that's what the ASCP asked for.

MR. GALLAGHER: I move to strike the testimony with regard to the contents of a letter that she was sent.

THE COURT: I think you better not use the letter. I don't think this really helps us very much. I understand she has a problem. You are now a provisional lab technician.

MR. SPIZZ: Provisional lab tech 2, Your honor.

THE COURT: Do you have a permanent lab tech 1?

THE WITNESS: I didn't receive the results from the test. I didn't take a test.

MR. SPIZZ: She took the test a few months ago to get permanent status. But she never passed a Civil Service, so she's a provisional employee.

THE COURT: This really doesn't help us with our case which is designed to test the medical technologist test she has passed. She's failed to pass the laboratory technologist examination in Clinical Chemistry, Microbiology and Hematology. It really doesn't have any

bearing on our case.

MR. SPIZZ: Your honor, I think the title as to laboratory technician with the fact that in Nassau County Medical Center you have a medical technologist and a laboratory technician and one is a higher title. This I admit introduced into evidence shows what that means. There is no evidence to show that means something else. All I am introducing it for is to show the examination and which field it covers and there is no evidence as to the equivalent in Nassau County. She has passed the Blood Banking, that was the sole purpose of that.

THE COURT: There's no question she is competent in the field of Blood Banking. That is not the issue here. Go ahead.

MR. GALLAGHER: Your honor, I would just like to note at this time all the testimony is not in the nature of rebuttal really.

THE COURT: I will permit it. You may continue.

MR. SPIZZ: Yes.

BY MR. SPIZZ:

Q Was Hollywood Memorial Hospital approved for ASCP Certification?

A I don't know.

Q When did you originally attend?

A Excuse me, could I say something. The ASCP certification is not for hospital. It's for laboratories or the workers.

Q In other words the program is to give, if you took that program you would have the training?

A At that time in Hollywood Memorial, it was not a teaching hospital. They didn't teach in terms the same as Nassau.

Q Are there schools that teach the courses for the ASCP?

A Yes, they have them.

Q Where you can get an ASCP Certification?

A You can get certification. It is called I.L.C.T. or something. It's not an ASCP. Not all hospitals work under that program.

Q Now Mrs. Townsend, you have worked in Nassau County Medical Center for about ten years?

A Ten years and three or four months.

Q You worked in the laboratory?

A In the Blood Bank.

Q And have you had occasion during that time that you have worked there to observe the people who worked in all of the laboratories?

A Not specifically, no.

Q What about the Blood Bank?

A The Blood Bank, yes.

Q When I say observe, I don't mean observe them work, but have seen them coming and going?

A Yes.

Q You've seen people come and go in all the laboratories?

A Yes.

Q In the ten years that you worked there, have you ever noticed how many people who work in the laboratories have been black?

MR. GALLAGHER: Objection, Your honor.

THE COURT: Overruled.

A Well, I've been in Blood Banking for ten years. At no time was there more than two. At the present time there are two.

Q Who are they?

A Mr. Applewhaite and myself. When I went there in 1965 there was one other person who worked nights with myself. Then he left and there was one other person who was terminated a couple of months before I was in 1973.

MR. GALLAGHER: Your honor, I would just like to state for the record that this is certainly not in the nature of rebuttal. This is something that should

have been brought out on the main case. For that reason I object to it.

THE COURT: I will take it.

Q Mrs. Townsend, how many people would you say work in the laboratories at any given time in the Nassau County Medical Center?

A How many?

Q Work in the laboratories?

A Overall people?

Q Yes.

A Well, I can quote Mr. Applewhaite, fourteen in the Blood Bank alone.

MR. GALLAGHER: Objection.

THE WITNESS: I would say about ten.

Q In the Blood Bank?

A In the Blood Bank.

Q How many people work, from what you have observed in all the laboratories in the hospital?

A In Hematology there are about six or eight and six chemists. They have a larger department. They have about nineteen or twenty. In enterology there's no more than two. In bacteria, there's about five. That's about it.

Q That's it?

A Emergency, the emergency laboratory overall there

must be about twenty. They work twenty-four hour shifts as well.

MR. SPIZZ: No other questions.

MR. GALLAGHER: I have no cross-examination.

THE COURT: Thank you, Ma'am. Anything further?

MR. SPIZZ: I have no further evidence to offer Your honor, except I would -- do you have any rebuttal?

MR. GALLAGHER: No.

MR. SPIZZ: I was going to ask Your honor to submit possibly a trial brief on this case. One other point. I have not offered evidence on the question of Attorney's fees which under title 7 I am entitled to. I feel it would be most appropriate rather than offering evidence at this time to wait until Your honor's decision on the merits and if necessary tosubmit papers on an affidavit at that point.

THE COURT: Yes. I think that is good.

MR. SPIZZ: As I say I would like to --

MR. GALLAGHER: I would like to submit a possible trial memorandum.

THE COURT: Alright. How much time do you want?

MR. SPIZZ: Your honor, I think I would like at least two weeks.

THE COURT: Well, take as much time as you want. You want to get the transcript first?

MR. SPIZZ: I don't know if I am going to order the transcript. I have a pretty good memory of what happened and I don't know if we can afford the expense of a transcript. I will ask initially for two weeks.

MR. GALLAGHER: Can I have a week to respond, are you going to order the transcript?

MR. SPIZZ: No, I am not.

MR. GALLAGHER: I'm not.

THE COURT: Two weeks for plaintiff's brief and one week for response from the defendant.

(Transcript continued in next booklet)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------x

MARGARETTE TOWNSEND, :

Plaintiff, :

-against- : 75-C-294

NASSAU COUNTY CIVIL SERVICE COMMISSION, :

Defendant. :

----------x

United States Courthouse
Brooklyn, New York

September 24c 1975

B e f o r e :

HONORABLE JACK B. WEINSTEIN, U.S.D.J.

RAYMOND STALKER
ACTING OFFICIAL COURT REPORTER

Appearances:

HAROLD SPIZZ, ESQ.
Attorney for the Plaintiff

JAMES GALLAGHER, ESQ.
Attorney for the Defendant

(Excerpt)

THE COURT: I should say for whatever guidance that I may give you, I think it is a very weak case.

I appreciate the Plaintiff is a fine technician. There is no question about that. Everybody agrees on that.

But we have a situation here where there isn't the slightest evidence of racial discrimination and intentionally.

Counsel have all agreed on that from the outset.

There was no history of racial discrimination in this department or in the hospital.

It is quite unlike the Griggs case in that respect.

The Griggs case had a long history of racial discrimination. You have an all-Black department and all-White department and then after the Congressional action in the field and new requirements were introduced with respect to that. It was the transfer within the plant or for new employees which had the effect based upon statewide statistics of maintaining the effect of the past racial discrimination.

Of course, there are other cases which have gone on from Griggs, but I think we have to look at

that case with the historical situation in mind.

Here we don't start with any history of racial discrimination or suggestion of intent to keep any racial discrimination.

We have the classifications, also, were made prior to the effective date of the act.

MR. CALLAGHER: Yes, your Honor. It became applicable to municipalities in March of 1972.

THE COURT: There isn't the slightest suggestion therefore that any action of the County was designed to circumvent any national policy in the way of quality.

Now in addition we have a situation where there was a very comprehensive survey made by outside consultants and apparently based on the evidence before me, made it meticulously with detailed surveys made in this very department of blood banking.

The contemporaneous surveys indicate that the supervisor believed that a college education, whether three or four years was required for medical technologist in any of the grades.

In addition, we have the indications that the New York City, which is the most comparable, has requirements for an equivalent position and they require college and we have the federal standards

which suggest that college should be required under these conditions.

We also have the testimony of Applewaithe who was certainly not prejudiced against the Plaintiff, being Black himself and obviously a man of great competence in his field, and his suggestion was that a college degree was desirable.

The problem here, at least on the basis of the evidence I have heard does not seem to me one of racial discrimination.

So one has a great difficulty in job classifications in these specialized fields.

Now what has happened over the years is that more and more people have gone to college and that because of the growth of community colleges and two-year degrees and subsequent work, there has been a great deal of academic work in this field.

Apparently, what has happened in these various professional societies, they have insisted upon college degrees. College in some cases, most college training, partly in order to upgrade the profession so they could ask for higher wages and salaries. This is typical in this kind of situation.

The Nassau County Police, for example, are now required to have college work, and as a result they

are the highest paid in the nation.

This is the typical kind of progression in the professional and semi-professional fields, to get certification.

You require higher standards and the use of higher standards certifications in order to get greater recognition in terms of salary and the like.

In this particular case we have before me, you have a peculiar situation because although there's been an upgrading, the actual work performed by these people appears to have gotten, if anything, more specialized and more routinized. So less and less it is necessary to be a general list and you have these higher academic degrees.

The result is that a person in the position of the plaintiff, Margarette Townsend, who is highly competent in the work that is being done, indeed has been used to train others that have taken advanced degrees and they have gotten higher paid positions in the same department doing the same identical work with the higher paid people and doing it at least as well. She is capable of supervising the entire dpeartment as she did for six monthsand therefore on the basis of practical training and lifetime experience and intelligence it is apparent that she is qualified or at

least to be a medical technologist and possibly a medical technologist 3.

This poses very grave problems in the weight of specification writing for Civil Service Commissions and it poses very grave moral problems, as Mr. Applewaithe indicated. It is necessary to have some possibility of advancement within a specialized department. And of course asking people to go to college and take courses provides some incentives to people to continue to work in the field and to improve their positions. But, the net effect of all that, both the general professional change and the nationwide educational changes, the morale problem within an entity such as Nassau Medical Center and Nassau County has led to these higher academic requirements which prevent a person who is otherwise talented in the field from moving ahead.

I suspect that this is a very serious problem in our national life and enlarge the major bureaucracies such as Nassau County Civil Service.

But I have serious doubt about whether it is a racial issue of the kind that the various federal actions and cases are directed to. It is true the plaintiff happens to be a Black. If this would be the opposite, a White person in the same position who

hasn't got a college degree, I find that a very difficult case, therefore, and I would appreciate briefs on the point which may be of assistance to me. I must say I don't find the cases particularly helpful.

I am not interested in view of the fact that the plaintiff kept referring to shifting burdens by which I suppose we would otherwise make presumptions. And plaintiff establishes certain basic facts and the burden shifts over to the defendant, we usually call that a presumption.

In Rule 301 in the new Federal Rules of Evidence which has been adopted by Congress and therefore has the same effect as legislation, there is rejected the rule that a presumption shifts to the burden of persuasion. It not only shifts the burden of coming forward, but assuming that Griggs and other cases mean what Plaintiff say they mean and from Rule 301 it modified those cases.

So that the burden of persuasion remains on the plaintiff with respect to these matters.

Thank you very much, gentlemen. Nice to have met you, Mrs. Townsend. I don't know whether we can do anything for you. It's been very nice meeting you. Also the Civil Service people.

MR. SPIZZ: Thank you, your Honor.

MR. GALLAGHER: Thank you.

* * *

MEMORANDUM DECISION AND ORDER, WEINSTEIN, D.J.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- x

MARGARET TOWNSEND,

Plaintiff,

- against -

NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent, NASSAU COUNTY CIVIL SERVICE COMMISSION; GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, EDWARD A. SIMMONS, ADELE LEONARD, Executive Director of Nassau County Civil Service Commission; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the New York State Civil Service Commission and head of the New York State Civil Service Department,

Defendants.

- -x

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MEMORANDUM and ORDER

Appearances:

SPIZZ & McEVILY, Esqs.
Attorneys for Plaintiff

By: HARVEY SPIZZ, Esq.
Community Legal Assistance Corp.
73 Main Street
Hempstead, New York 11550

JOHN F. O'SHAUGHNESSY, Esq.
County Attorney of Nassau County
Attorney for the Nassau County Defendants

By: JAMES N. GALLAGHER, Esq.
Deputy County Attorney
Nassau County Executive Building
Mineola, New York 11501

WEINSTEIN, D. J.

Plaintiff, a black female, has been employed in the blood bank of the Nassau County Medical Center, satisfactorily doing the work of a Medical Technologist I, since 1965. She brings this suit for reinstatement in that civil service classification. The defendant Nassau County Civil Service Commission has demoted her to a lower paying classification because she lacks a college degree or equivalent academic prerequisites, an eligibility requirement imposed some years after she began her employment. Her claim is that the qualification has an unjustifiable racially discriminatory impact invalid under Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 2000e et seq.

Plaintiff's case is typical of that of many blacks. She attended school in a segregated Florida system. Her high school was apparently so poor that it was abandoned when integration was required and its records are not even available. The movement of many educationally deprived blacks from the South to this district created enormous and expensive burdens for our municipalities. Where, as in this

case, a product of that discriminatory educational system has overcome her disadvantages by work experience, Title VII requires her actual job skills to be recognized.

Facts

On June 22, 1965, plaintiff was provisionally appointed to the position of Laboratory Technician at the Nassau County Medical Center. On January 6, 1967 she was provisionally appointed to the position of Senior Laboratory Technician.

Nassau County reclassified all its civil service positions effective July 7, 1967 pursuant to a job survey conducted by the firm of Cresap, McCormack and Paget. As a result, based on the work she had been doing, plaintiff was provisionally placed in a new, competitive position, Medical Technologist. She held this position until December 1973.

During that period plaintiff also satisfactorily served in several administrative capacities. She was the assistant to supervisor George Davis, responsible for the laboratory when Mr. Davis was not there. She also was responsible for teaching students blood-banking techniques,

since she was one of the few people who had this expertise. Some of her former students are presently employed by Nassau County doing the same work she does, but receiving much higher salaries because they have a college degree and have taken and passed the necessary civil service examinations.

When Mr. Davis left the Medical Center, plaintiff was appointed Acting Supervisor. In addition to her technical duties, she was responsible for all the administrative functions of the supervisor, e.g., payroll, supplies, work schedules, and meetings. After approximately one year, a permanent supervisor was appointed. Plaintiff became his assistant.

In December, 1971, plaintiff was permitted to take the examination required for permanent classification as a Medical Technologist I. Although she did not pass that examination, she was continued provisionally in the position of Medical Technologist I because the eligible list promulgated as a result of the 1971 examination did not contain a sufficient number of names to fill all vacancies.

A second examination for Medical Technologist I was held in April, 1973. The plaintiff's application to take this examination was rejected by the Nassau County Civil Service Commission because she did not have the formal educational qualifications. Plaintiff was discharged in December of 1973 as a result of the promulgation of a Medical Technologist I eligible list based upon the 1973 examination. Three months later she was rehired by the blood bank, again given the duties of a Medical Technologist I, but given the lower paying classification of Laboratory Technician II.

Although plaintiff's formal education was limited, her qualifications for her work in the blood bank have never been questioned. She began her training in November 1962 at the Hollywood Memorial Hospital in Florida where she studied for one year. She has now had more than ten years experience in blood banking at the Nassau County Medical Center. The testimony was clear that her activities covered the entire range of blood bank technology including typing of patients and donors, cross matching of patients, preparation of blood, covering in the donor room, taking

blood, freezing blood, and all related clerical duties. She has routinely decided whether donors could safely give blood, and she has performed microscopic comparisons of blood samples. As already noted, for a period of five months, she served as Acting Supervisor for the entire blood bank, and she has trained many of the people who now work above her. Linda Schwaid, a permanent Medical Technologist I, for example, testified that plaintiff taught her everything she now knows about bloodbanking. Frank Appelwaithe, the present Supervisor, testified that he would rate the plaintiff among the top members of the department.

It is clear that there is no meaningful specialization of labor within the blood bank. The witnesses agreed that the press of the work requires each member to be familiar with and to perform all functions. Thus, except for assuming added teaching and supervising duties, the plaintiff is presently doing as a Laboratory Technician II exactly what she had done and would do as a Medical Technologist I.

There is no evidence of bad faith in the defendants' reclassification of civil service jobs. The testimony

of Albert Fontana, one of the personnel specialists involved in the reclassification survey at the Medical Center, established that a systematic effort was made to correlate job title with job content. It is apparent, however, that, notwithstanding the defendants' good intentions, an outstanding black employee has been frozen out of a position for which she has demonstrated eminent qualifications.

Law

The statutory basis for plaintiff's attack on job qualifications is Section 703 of Title VII of the Civil Rights Act of 1964 providing:

> "(a) It shall be an unlawful employment practice for an employer --
>
> (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
> (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin."

42 U.S.C. § 2000e-2.

Interpreting this statute in Griggs v. Duke Power Co., 401 U.S. 424, 91 S.Ct. 849 (1971), the Supreme Court held that requirements which operate to disqualify blacks in disproportionate numbers violate the Act unless they can be shown to be related to successful job performance. Considering the validity of a high school diploma and general aptitude tests as job qualifications, the Court wrote:

> "Congress has now . . . required that the posture and condition of the jobseekers be taken into account. . . . The Act proscribes not only overt discrimination but also practices that are fair in form but discriminatory in operation. The touchstone is business necessity. If an employment practice which operates to exclude Negroes cannot be shown to be related to job performance, the practice is prohibited."

401 U.S. at 431, 91 S.Ct. at 853.

The Court rejected the view that an employer's intent is conclusive in determining whether a prima facie case of job discrimination has been established:

> " . . . good intent or absence of discriminatory intent does not redeem employment procedures or testing mechanisms that operate as 'built-in headwinds' for minority groups and are unrelated to measuring job capability. . . . Congress directed the thrust of the Act to the consequences of employment practices, not simply the motivation. More than that, Congress has

> placed on the employer the burden of showing that any given requirement must have a manifest relationship to the employment in question."

401 U.S. at 432, 91 S.Ct. 854. (Emphasis in original.).

Under Griggs the plaintiff carries the initial burden of showing that a job qualification has a racially disproportionate impact. Once this prima facie case is made out, the burden shifts to the employer to prove "a manifest relationship to the employment in question." In Albemarle v. Moody, ____ U.S. ____, ____, 95 S.Ct. 2362, 2375 (1975), the Court strengthened the position of the complaining party by ruling that he or she will prevail on a demonstration that alternative, non-discriminatory means exist which would accurately test the qualifications of employees. See, The Supreme Court, 1974 Term 89 Harv. L. Rev. 47, 228-229, n. 27 (1975). Cf. Boston Chapter NAACP, Inc. v. Beecher, 504 F.2d 1017, 1019 (1st Cir. 1974); Vulcan Society v. Civil Service Commission, 490 F.2d 387, 392 (2d Cir. 1973).

A. Prima Facie Discrimination

In support of her prima facie case, plaintiff offered data compiled by the Bureau of the Census for 1970.

This statistical evidence demonstrates the extent to which a college degree requirement discriminates against blacks in New York State and Nassau County. In New York State 12.7% whites as compared to 4.2% blacks (males and females) age 25 years and older have completed 4 years of college or more. In Nassau County, 34.5% whites as compared to 12.4% blacks, age 25 years and older, have a college degree. These statistics are broken down to reveal sex differences as well as racial distinctions. The total population of white males in Nassau County age 25 years and older is 370,219. 84,728 white males have four years of college or more. By contrast only 986 of a total population of 13,032 black males in Nassau County have achieved that level in education. The total population of white females in Nassau County age 25 years and older is 423,529. 50,036 white females have four or more years of college. But only 916 of 19,025 black females have achieved an equal educational status. The group with the lowest percentage of members holding a college degree in Nassau County is black females; only 4.7% of them have college degrees.

Statistical evidence of educational disparity in an appropriate geographical area is sufficient to establish the disproportionate racial impact of a degree requirement

for Title VII purposes. In Griggs, North Carolina census statistics alone were relied upon by the Court for the proposition that a high school diploma requirement was racially discriminatory. 401 U.S. 424, 431, fn. 6, 91 S.Ct. 849, 853. Statistics on the completion of high school in the South and the Atlanta area were relied upon in United States v. Georgia Power Company, 474 F.2d 906, 918 (5th Cir. 1973) as sufficient evidence of discriminatory impact. See also, Johnson v. Goodyear Tire and Rubber Co. Synthetic Rubber Plant, 491 F.2d 1361, 1371 (5th Cir. 1974) (census data on educational achievement of blacks and whites in Texas and Houston area).

In the present case, state and county statistics demonstrate an approximately three times higher proportion of white as compared to black females who have attended four or more years of college. These statistics establish a prima facie case that a degree requirement has a disproportionate impact on blacks.

Comparable evidence as to the racial impact of the Medical Technologist I examination has not been presented. Because plaintiff was not dismissed for failure to pass that

examination, it is not now before the court. Nothing said in this memorandum should be construed as touching on the validity of the examination under Title VII or any other theory since no evidence was adduced on this issue.

B. Failure to Show Job-Related Justification

The Equal Employment Opportunity Commission has approved three methods of validation to establish the requisite relationship between a qualification and job performance. EEOC Guidelines, 29 C.F.R. 1607. The Supreme Court in Albemarle, supra, stated that these guidelines are entitled to great deference.

> "The EEOC has issued 'Guidelines' for employers seeking to determine, through professional validation studies, whether their employment tests are job related. 29 CFR Part 1607 (1974). These Guidelines draw upon and make reference to professional standards of test validation established by the American Psychological Association. The EEOC Guidelines are not administrative 'regulations' promulgated pursuant to formal procedures established by the Congress. But, as this Court has heretofore noted, they do constitute '[t]he administrative interpretation of the Act by the enforcing agency,' and consequently they are 'entitled to great deference.' Griggs v. Duke Power Co., supra, 401 U.S., at 433-434, 91 S.Ct., at 854. See also Espinoza v. Fara Mfg. Co., 414 U.S. 86, 94, 94 S.Ct. 334, 339, 33 L.Ed.2d 287.

> The message of these Guidelines is the same as that of the Griggs case -- that discriminatory tests are impermissible unless shown, by professionally acceptable methods, to be 'predictive of or significantly correlated with important elements of work behavior which comprise or are relevant to the job or jobs for which candidates are being evaluated.'
> 29 CFR § 1607.4(c)."

_____ U.S. at _____, 95 S.Ct. at 2378 (footnotes omitted).

Section 1607.2 of the Guidelines provides that an educational requirement is to be treated as a test for purposes of determining its validity. Section 1607.5(a) discusses criterion, content, and construct validation, the three techniques which have been recognized by the EEOC:

> "(a) For the purpose of satisfying the requirements of this part, empirical evidence in support of a test's validity must be based on studies employing generally accepted procedures for determining criterion related validity such as those described in 'Standards for Education and Psychological Tests and Manuals' published by American Psychological Association. . . . Evidence of content or construct validity as defined in that publication, may also be appropriate where criterion validity is not feasible. However, evidence for content or construct validity should be accompanied by sufficient information from job analysis to demonstrate the relevance of the content (in the case of job knowledge or proficiency tests) or the construct (in the case of trait measures). Evidence of content validity

> alone may be acceptable for well developed tests that consist of suitable samples of the essential knowledge, skills or behaviors composing the job in question. The types of knowledge, skills or behavior contemplated here do not include those which can be acquired in the brief orientation to the job."

Criterion related validation -- the preferred method -- would require a showing that those who possess a degree perform better in the blood bank in terms of identifiable criteria, than those who do not. See Vulcan Society v. Civil Service Commission, 360 F.Supp. 1265, 1273 (S.D.N.Y.), affirmed in part and remanded with respect to issues not decided on the merits, 490 F.2d 387 (2d Cir. 1973). No credible evidence has been submitted to support this proposition in this case. Mrs. Townsend, without a degree, is considered by her supervisor and others to be one of the outstanding members of the blood bank staff.

The second method, content validation, would entail proof that the aptitudes, skills, and training necessary to obtain a degree are equivalent to the skills and training required for successful performance in the blood bank. See Vulcan Society v. Civil Service Commission, 360 F.Supp. 1265 at 1274. Construct validation would necessitate proof that

the requirements for a degree accurately test for the general mental and psychological traits which are needed in the blood bank. See Vulcan Society v. Civil Service Commission, 490 F.2d 387 at 395.

The evidence submitted in this case does not support the proposition that an acceptable college program relates to the practical demands of the blood bank. As noted, Linda Schwaid, a Medical Technologist I, testified that she obtained all her training from the plaintiff. Moreover, under the Guidelines, content and construct validation may be used only upon a showing that criterion validation is not feasible. 29 C.F.R. § 1607.5(a) (1974); see also, The Supreme Court, 1974 Term 89 Harv. L. Rev. 47, 233 (1975). No such showing has been made here.

Defendants did not produce any credible testimonial or documentary evidence to demonstrate the validity of either the college degree or certification requirements for the position of Medical Technologist I pursuant to any of the accepted methods of validation. Witness Fontana indicated that no consideration was given to validating the degree qualification during the preparation of the Cresap

survey. According to the testimony, the development of class specifications for each job at the Medical Center was based on responses to questionnaires distributed to employees and supervisors. The criteria relied on by the supervisors in making their recommendations is not known. See Albemarle Paper Company v. Moody, ____ U.S. ____, ____, 95 S.Ct. 2362, 2379 (1975) (employer's validation study for aptitude tests fatally undermined by reliance on supervisorial rankings based on vague standards). The only other evidence introduced to justify the inclusion of the college degree in the Medical Technologist I specifications showed that New York City requires a degree for a similar position and two federal bulletins recommend college education for medical technologists. This evidence is not sufficient to establish the validity of the degree requirement for the position of Medical Technologist I at the Nassau County Medical Center for this case in light of plaintiff's proven qualifications.

The court does not rule on the validity of the degree requirement except in the special circumstances of the case before it. Mr. Appelwaithe the supervisor did suggest that a college degree might be useful. In addition, Ms. Schwaid testified that her undergraduate education was

helpful in enabling her to read the literature in the field. Although no direct evidence was presented on this point, a degree or its equivalent might guarantee that new applicants possess the skills and learning needed for successful training in the blood bank. This question would have to be explored in any future litigation. But, in any event, under Title VII an inherently discriminatory safeguard cannot be applied woodenly to deny job status to a current employee who has achieved all applicable learning and skills through practical experience.

This reasoning is underscored by the District of Columbia Circuit's decision in Berger v. Board of Psychologist Examiners, ____ F.2d ____, No. 74-1047, 44 L.W. 2235 (D.C. Cir. Oct. 28, 1975), partially striking down a federal statute prescribing minimum educational requirements for all psychologists practicing in the District of Columbia. The Court held that the Fifth Amendment Due Process Clause guarantees current practitioners an alternative means of demonstrating his or her professional qualifications as against a conclusive statutory presumption of incompetence. The Court's language reflects an appreciation of the value of practical experience. It wrote:

> "Possession of a graduate degree in psychology does not signify the absorption of a corpus of knowledge as does a medical, engineering, or law degree; rather it is simply a convenient line for legislatures to draw, on the brave assumption that whatever is taught in the varied graduate curricula of university psychology departments must make one a competent psychologist, or at least competent enough to be allowed to take a licensing examination. While it may not be irrational to assume that this academic background should in the future be a requisite to the practice of psychology, it is of questionable rationality to insist that current practitioners, who may have studied and practiced at a time when graduate courses in psychology were even less meaningful, are conclusively incapable of meeting today's new standards because they did not take those courses."

Slip Op. at 226.

The Court carefully distinguished the rights of current practitioners from those of future applicants.

> "Here the irrebuttable presumption of professional incompetence absent a graduate degree is not invalid with respect to future psychologists, but only with respect to current practitioners who have no meaningful grandfather rights. . . . The inequity of the statute is that it fails to account for those competent psychologists who embarked upon their profession when no degree was required and who thus are denied a fair opportunity to come within the statute's licensing requirements at this point."

Slip Op. at 228.

If the right of a current, qualified practitioner to maintain his or her employment cannot be extinguished by statute, it follows, a fortiori, that such a result may not be accomplished by regulations which conflict with statutory policies against racial discrimination.

Conclusion

Plaintiff must be reclassified as a provisional Medical Technologist I, retroactive to December 31, 1973, the date of her dismissal. Pursuant to 42 U.S.C. § 2000e-5(k), plaintiff is entitled to back pay in the amount she would have earned as a Medical Technologist I less what she actually earned during this period. In addition, plaintiff is entitled to take any future Civil Service examinations for permanent classification as a Medical Technologist I. Plaintiff is also entitled to attorney's fees. 42 U.S.C. § 2000e-5(k); Albemarle Paper Company v. Moody, ____ U.S. ____, ____, 95 S.Ct. 2362, 2370 (1975).

Unless the parties stipulate with respect to back pay and fees, counsel for plaintiff shall submit an affidavit on the issue within ten days. Within twenty days defendants may either answer by affidavit or demand a hearing. Within

thirty days, the parties shall submit a joint order or individual orders consistent with the court's determination. Agreement on the form of an order shall not constitute acquiescence in its validity or waiver of the right to appeal.

So ORDERED.

Dated: Brooklyn, New York
December 8, 1975.

U. S. D. J.

AFFIDAVIT OF HARVEY W. SPIZZ IN SUPPORT OF AN AWARD OF ATTORNEY'S FEES

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------X

MARGARET TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent, NASSAU COUNTY CIVIL SERVICE COMMISSION; GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, EDWARD A. SIMMONS, ADELE LEONARD, Executive Director of Nassau County Civil Service Commission; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the New York State Civil Service Commission and head of the New York State Civil Service Department,

Defendants.

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AFFIDAVIT

75 C 294
JBW

STATE OF NEW YORK)
COUNTY OF NASSAU)ss.:

HARVEY W. SPIZZ, being duly sworn, deposes and says:

1. I am the attorney for the Plaintiff in the within action, and I submit this affidavit pursuant to the Memorandum and Order of this Honorable Court dated December 8, 1975. I submit this affidavit on the issue of attorney's fees.

2. The following represents time actually spent by myself on this matter. Said time is exclusive of any time spent by law students working under my supervision on the matter. The following items are based upon my examining the file herein and reconstructing the time spent on each item based upon my recollection. Actual detailed time records were not kept. In each instance I have chosen the smallest estimate that I can think of based upon my recollection:

(a) Preparation of complaint - two hours;

(b) Preparation of opposing papers on motion to dismiss, including a seven-page memorandum of law - two hours;

(c) Preparation of motion papers for a preliminary injunction, including nine-page memorandum of law - two hours;

(d) Preparation of motion papers in opposition to motion to consolidate with the Milson case - one hour;

(e) Preparation of thirty-seven-page pre-trial brief - ten hours;

(f) Preparation of post-trial brief of twenty-nine pages - twenty hours;

(g) Trial preparation, including preparation of subpoenas, planning of testimony, witness preparation and preparation of documents - ten hours.

COURT APPEARANCES:

(a) April 15, 1975, hearing on motion to dismiss, approximately one hour of Court time, in addition travel time;

(b) May 9, 1975, hearing on motion for preliminary injunction and setting of trial date, approximately one hour of Court time, in addition travel time;

(c) September 16, 1975, motion to consolidate argued before the Hon. Judge Dooling, approximately one hour of Court time, in addition travel time;

(d) September 22, 1975, trial - approximately two hours, in addition travel time;

(e) September 23, 1975 trial - approximately five hours; in addition, travel time;

(f) September 24, 1975, trial - approximately two and one-half hours, in addition travel time;

3. The above listing of time spent on the case is extremely conser-

vative and deals with the highlights of my trial preparation and work. Omitted are countless telephone conversations involving the case, as well as numerous conferences with students working on the case under my supervision.

4. I respectfully request the Court to fix an hourly rate for the above-mentioned work based upon the following information relative to my qualifications as an attorney-at-law.

5. I hold a Bachelor of Arts degree from Columbia College received in 1964 and a Juris Doctor degree received from the University of Miami School of Law in 1967.

6. I am admitted to the bars of the staces of New York and Florida as well as to the bars of the Supreme Court of the United States. I was admitted to the bar of New York State in March of 1968.

7. Since graduating from law school I have been employed as an attorney with the United States Small Business Administration, Hunts Point Legal Services, Community Action for Legal Services and am currently in my fifth year with the Community Legal Assistance Corporation, which is the clinical law office of Hofstra University School of Law. I am Executive Director of Community Legal Assistance Corporation and an Assistant Professor of Law at Hofstra University School of Law.

8. I have been continuously engaged in litigation throughout my professional career handling cases in the State and Federal Courts, trial and Appellate. I have brought a number of actions in the area of equal employment law.

9. Any attorney's fees awarded by this Honorable Court shall inure directly to the Community Legal Assistance Corporation and shall in no way benefit your deponent personally.

WHEREFORE, it is respectfully requested that this Honorable Court issue an order awarding attorney's fees to the Community Legal Assistance Corporation based upon the aforesaid facts.

/s/
HARVEY W. SPIZZ

Sworn to before me
this 26th day of December, 1975.

/s/
NOTARY PUBLIC

GERALDINE MOORE
NOTARY PUBLIC, State of New York
No. 2776030
Qualified in Nassau County
Commission Expires March 30, 1977

MG;bf

AFFIDAVIT OF JAMES N. GALLAGHER IN OPPOSITION TO AN AWARD OF ATTORNEY'S FEES

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

MARGARET TOWNSEND,

Plaintiff,

-against-

Index No.
75 C 294

NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent, NASSAU COUNTY CIVIL SERVICE COMMISSION; GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, EDWARD A. SIMMONS, ADELE LEONARD, Executive Director of Nassau County Civil Service Commission; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the New York State Civil Service Commission and head of the New York State Civil Service Department,

Defendants.

----------X

STATE OF NEW YORK)
)ss.:
COUNTY OF NASSAU)

JAMES N. GALLAGHER, being duly sworn, deposes and says:

Your deponent is a Deputy County Attorney in the office of James M. Catterson, Jr., County Attorney of Nassau County, the attorney for the defendants herein and is familiar with the facts based upon personal information and a review of the papers and pleadings in his possession.

This affidavit is submitted in response to the affidavit of Harvey W. Spizz, Esq. for an award of counsel fees in the above captioned action.

It is the position of the defendants in this action that the plaintiff is not entitled to an award of counsel fees. However, since the Court has indicated that it will make an award of attorney's fees in this action, your deponent wishes to make note of certain facts in this affidavit which will demonstrate that the amount of this award should be nominal.

The first point which your deponent wishes to make is that a review of the entire record in this action clearly establishes that the defendants acted at all times in good faith and all of the defenses raised in this action were meritorious. The defendants in this action at no time demonstrated unreasonable, obdurate obstinancy which the Court of Appeals for the Second Circuit has set as the criteria for an award of counsel fees.

An indication of defendants' good faith in this action and the merit of their defenses is the refusal of this Court to grant an application for a preliminary injunction in this action on the 9th day of May, 1975.

A further indication of the good faith of the defendants is the statement of the Court at the conclusion of the trial of this action when it stated the following words:

> "I should say for whatever guidance that I may give you, I think it is a very weak case."

In addition it is also worthy of note that on the question of the defendants' good faith that the Court stated

at the conclusion of this trial that there was not the slightest evidence of intentional racial discrimination.

Based on the aforementioned facts it is clear that the Court recognized the good faith and merit of the defendants' case and it certainly could not be said that the plaintiff prevailed in this action by a great proportion of the evidence.

Attorney's fees have traditionally been awarded on the concept that the plaintiff's attorney is acting as a private attorney general to vindicate the rights of many people and it is respectfully submitted that the attorney for the plaintiff in the case at bar should not be considered a private attorney general.

The plaintiff's attorney in the case at bar unlike a private attorney general acted only on behalf of the plaintiff and did not bring the within action to vindicate the rights of any particular class of people.

A further indication that the plaintiff's attorney was not acting as a private attorney general is that the Court on Page 16 of its December 8, 1975 order restricted its holding on the validity of the degree requirement to only the plaintiff and indicated that the validity of said requirement to other individuals would have to be explored in future litigation.

At this time your deponent will also point to certain facts alleged in the affidavit of Mr. Spizz which your deponent believes are either inaccurate or should not be considered by this Court in determining an amount to be awarded as attorney's fees in this action. First, it is worthy of note that Mr. Spizz admits in his affidavit that no detailed time records on this matter were kept. The Court should accord the allegations contained in Mr. Spizz's affidavit less weight than they would be entitled to if detailed records were kept.

Mr. Spizz alleges in paragraph 2(b) of his affidavit that he spent two hours preparing opposing papers to a motion to dismiss. It is respectfully submitted that this time should not be considered by the Court in awarding counsel fees as said motion was made by State defendants and Mr. Spizz consented to the granting of said order on April 17, 1975.

It is also respectfully submitted that Mr. Spizz's claim found in paragraph 2(c) of his affidavit for two hours spent in preparing motion papers for a preliminary injunction should not be considered by this Court as a basis for awarding counsel fees as said motion was denied by this Court.

The time of 20 hours spent in preparing a post-trial brief also seems excessive as most of the basic research contained in said brief undoubtedly was done in preparing the

pre-trial brief which took 10 hours to prepare.

In addition the references contained in Mr. Spizz's affidavit concerning time spent on court appearances for the argument of motions is excessive. Mr. Spizz alleges that his appearances for a motion to dismiss, a motion for a preliminary injunction and a motion to consolidate took approximately one hour of court time on each occasion. It has been your deponent's experience in arguing motions before this Court that they rarely took more than 15 minutes of Court time.

Finally, your deponent feels that the amount of the award of attorney's fees in this case should be nominal because the attorney for the plaintiff has not indicated in his affidavit that he has charged the plaintiff a fee.

/S/

James N. Gallagher

Sworn to before me this
8th day of January, 1976

SOPHIE GOLDRICH
NOTARY PUBLIC, State of New York
No. 30-1487995
Qualified in Nassau County
Commission Expires March 30, 19 77

AFFIDAVIT OF MARGARET TOWNSEND IN SUPPORT OF AN AWARD OF BACK PAY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------x

MARGARET TOWNSEND,

Plaintiff,

-against-

AFFIDAVIT

75 C 294
JBW

NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent, NASSAU COUNTY CIVIL SERVICE COMMISSION; GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, EDWARD A. SIMMONS, ADELE LEONARD, Executive Director of Nassau County Civil Service Commission; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE: ESRA H. POSTEN, President of the New York State Civil Service Commission and head of the New York State Civil Service Department,

Defendants.

----------x

STATE OF NEW YORK)
COUNTY OF NASSAU) SS.:

MARGARET TOWNSEND, being duly sworn, deposes and says:

1. I am the plaintiff in the within action and submit this affidavit pursuant to the order of this Honorable Court dated December 8, 1975 in order to substantiate my claim for back pay.

2. Prior to the actions of the defendants complained of herein, I was a grade 10 at the Nassau County Medical Center. For the year 1974 at grade 10 my base salary would have been $12,871. In addition I would have received for overtime and night differential extra monies raising my total gross pay to $14,491.53. However, I was made a grade 8 for the year 1974 pursuant to the actions of the defendants herein and as a result I received a base pay at grade 8, of $11,027 per year,

which together with overtime and night differential resulted in my gross pay for the year 1974, my gross pay being $11,221.94. Therefore, as a result of the wrongful actions of the County defendants herein I received for the year 1974 $3,268.59 less than I should have. This difference was in part due to my being unemployed for sometime during the year 1974 as indicated at trial. To be taken into consideration in reducing the $3,268.59 deficit should be unemployment insurance which I received, the amounts of which are on record with the Court as an exhibit which was introduced during trial.

3. For the year 1975 as a grade 8, my base pay was $11,477. This was brought up to $12,768.45 by including overtime and night differential. If I would have been grade 10, , the position to which the Court has ordered me restored, I would have received a base pay of $14,370 which together with overtime and night differential would have come to $15,803.60, for a difference between what I should have received and did receive of $3,038.15. I am currently accruing a gross deficit of $100.69 bi-weekly on my base salary.

Sworn to before me this
30th day of December, 1975.

Margaret Townsend
MARGARET TOWNSEND

Notary Public
GERALDINE MOORE
NOTARY PUBLIC State of New York
[illegible] County
Commission Expires [illegible] 19 77

/NG:bf

AFFIDAVIT OF RONALD J. LEVINSON IN OPPOSITION TO AN AWARD OF BACK PAY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

MARGARET TOWNSEND,

Plaintiff,

-against-

Index No.
75 C 294

NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent, NASSAU COUNTY CIVIL SERVICE COMMISSION; GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, EDWARD A. SIMMONS, ADELE LEONARD, Executive Director of Nassau County Civil Service Commission; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the New York State Civil Service Commission and head of the New York State Civil Service Department,

AFFIDAVIT

Defendants.

----------X

STATE OF NEW YORK)
)ss.:
COUNTY OF NASSAU)

RONALD J. LEVINSON, being duly sworn, deposes and says:

Your deponent is the Deputy Executive Director of the Nassau County Civil Service Commission and is familiar with the facts herein based upon a review of the files and records of the Nassau County Civil Service Commission which include the plaintiff's roster card and the Graded Salary Plans for the years 1974 and 1975, which are annexed hereto as Exhibits 1, 2 and 3.

This affidavit is submitted on the question of back pay which the Court has determined that the plaintiff is entitled to. The records of the Nassau County Civil Service Commission indicate that in 1974 the plaintiff's annual salary as Laboratory Technician II was $11,027. There was a period from January 1, 1974 until March 21, 1974 in which the plaintiff was unemployed. Our records indicate that the plaintiff received unemployment benefits during that period of time in the amount of $806.25.

Had the plaintiff remained as a Medical Technologist I for the year 1974, she would have been in Grade 10, Step 8 of the Salary Plan and therefore her annual salary would have been $12,871. Plaintiff states in her affidavit that she would have received overtime and night differential. However, it is respectfully submitted that she would not be entitled to these amounts as back wages and in any case, the amount of night differential and overtime which she would have made is purely speculative.

The records of the Nassau County Civil Service Commission indicate that the plaintiff's base pay as a Laboratory Technician II for the year 1975 was $11,744. Her grade and step salary classification for said position in 1975 was Grade 8, Step 7.

Had the plaintiff remained as a Medical Technologist I in 1975, she would have been classified on the Salary Plan as a Grade 10, Step 9 with an annual salary of $13,708 not $14,370 as she alleges in her affidavit dated the 30th day of December, 1975. Again your deponent wishes to point out that night differential and overtime should not be considered for the year 1975 and is speculative.

Finally, our records indicate that for the year 1976, the plaintiff is receiving $75.54 less on her biweekly checks as a Laboratory Technician II than she would have received as a Medical Technologist I.

/s/
Ronald J. Levinson

Sworn to before me this
12 day of January, 1976

BEST COPY AVAILABLE

NAME — Townsend, Margaret

T RRNT-20379A

VET. ☐ DIS. VET. ☐ FX. VOL. FIRE ☐

RET. REG. NO

DATE OF BIRTH

SOC. SEC. NO. 262-44 3256

C.S. 39 NO.	TITLE OF POSITION	GR. STP.	PAY RATE	EFFECTIVE DATE	JURIS. CLASS	PERS. ACTION	AUTHORITY FOR PERSONNEL ACTION	ORD.
	Medical Technologist I 6	10	10,961	1-1-72	"C"	SI		
	Medical Technologist I #4670(60502) held 12-1-71 (2) Est. 4-4-72							
		6	10 11509	1-28-72		SI		
		7	10 11509	1-1-73		SAL		
	Med Tech I			3-3-73	Prov	Term	Admin Term	
	" " "			3-4-73	"	Appt	Admin Appt	
		7	10 12142	3-4-73		SI	ltr 3-3-73	
		~~8~~	~~10 12491~~	~~4-1-74~~		SI		
119785	Term Med Tech I			12-31-73	C	Term	ltr 12-27-73	
143494	LAB TECH II	6	8 11,027	3-22-74	C	Prov	Pers & Salary C.S.Y 2-5-74	
		7	8 11027	1-1-75		SI		code 722
	" " "			12-21-74		Term	admin Term	
	" " "			12-22-74		Prov	admin appt	2g
		7	8 11744	1-1-75		SI		
165844	SLIP 7-29-75 - 8-7-75			7-29-75		SLIP		
166205	SLIP 8-8-75 - 8-18-75			8-8-75		SLIP	FWD 8-19-75 @ 166205	
166208	ABS			8-21-75		ABS	SLIP NTE 8-29-75	

722 DEPT & CODE

ADDRESS 133 Commercial St, Freeport

PHONE NO

T.T. 1-1-75 To II

71C 72C

NAME Townsend, Margaret 12-74

SEAS	P.J.C.	UNCLASS	LAB EX	A-P	A-T	NON COMP	EXEMPT	COMP
				X				

Exhibit I Annexed to Affidavit of Ronald J. Levinson

Exhibit "I" 323A

324A

NAME: TOWNSEND, MARGARET

VET. ☐ DIS. VET. ☐ EX. VOL. FIRE ☐ | RET. REG. NO | SOC. SEC. NO. 262-44-3256 | DATE OF BIRTH 12-31-33

C.S. 39 NO.	TITLE OF POSITION	GR. STP.	PAY RATE	EFFECTIVE DATE	JURIS. CLASS	PERS. ACTION	AUTHORITY FOR PERSONNEL ACTION	ORD.
	LABORATORY TECHNICIAN TT 7	8	11744	9-21-75		TERM	ADMIN. TERM	
				9-22-75		PROV.	admin. appt.	TJ
	Laboratory Technician II #6224(60538) held			6-21-75	(1)	No List	10-20-75	
		8	8 11,244	1.1.76		SAL		CW

DEPT & CODE: med. Coll. 223 | ADDRESS: 133 Commercial St. Freeport | NAME: TOWNSEND, MARGARET | PHONE NO: 865 1139 | SEAS | P.J.C. | UNCLASS | LAB EX. | TITLE: Lab. Tech. | A.T. | NON COMP | EXEMPT | COMP.

GRADE	Step 1 1st Yr.	Step 2 2nd Yr.	Step 3 3rd Yr.	Step 4 4th Yr.	Step 5 5th Yr.	Step 6 6-10 Yr.	Step 7 11th Yr. On	Contract Longevity
1	5838	6120	6401	6681	6962	7244	7483	7722
2	6167	6469	6770	7072	7374	7673	7948	8223
3	6498	6818	7140	7463	7785	8107	8425	8743
4	6825	7169	7511	7852	8196	8554	8914	9274
5	7237	7599	7963	8332	8711	9093	9489	9885
6	7648	8038	8438	8849	9257	9669	10101	10533
	8113	8546	8987	9423	9861	10301	10769	11237
8	8655	9130	9604	10078	10552	11027	11534	12041
9	9289	9798	10309	10820	11328	11667	12415	12963
0	10006	10559	11113	11680	12276	12871	13493	14115
1	10810	11415	12060	12707	13360	14009	14662	15315
2	11718	12421	13127	13830	14533	15235	15932	16629
3	12771	13536	14300	15067	15832	16596	17330	18064
4	13977	14811	15645	16481	17316	18151	18924	19697
5	15306	16225	17146	18063	18985	19906	20718	21530
6	16728	17734	18738	19745	20746	21752	22605	23458
7	18244	19340	20440	21536	22635	23721	24568	25415
8	19868	21059	22247	23439	24574	25707	26592	27477
9	21490	22779	24045	25273	26504	27733	28652	29571
0	23268	24611	25944	27277	28608	29943	30899	31855
21	25046	26481	27917	29352	30787	32224	33217	34210
22	26885	28430	29977	31523	33070	34615	35647	36679
23	28799	30462	32128	33792	35457	37120		
24	30862	33009	35160	37310				
25	33070	35279	37487					
26	35425	37634						
27	37929							

EXHIBIT 2

[illegible] EFFECTIVE 1/1/75

GRADE	Step 1 1st Yr.	Step 2 2nd Yr.	Step 3 3rd Yr.	Step 4 4th Yr.	Step 5 5th Yr.	Step 6 6-10 Yr.	Step 7 11th Yr. On	Contract Longevity
1	6183	6487	6785	7082	7380	7715	7969	8223
2	6537	6857	7176	7496	7816	8172	8465	8758
3	6888	7227	7568	7911	8252	8634	8973	9312
4	7236	7599	7962	8323	8688	9110	9493	9876
5	7671	8055	8441	8832	9234	9684	10106	10528
6	8107	8520	8944	9380	9812	10297	10758	11219
7	8600	9059	9526	9988	10453	10971	11469	11957
8	9174	9678	10180	10683	11185	11744	12284	12824
9	9846	10386	10928	11469	12008	12638	13222	13806
10	10606	11193	11780	12381	13013	13708	14370	15032
11	11459	12100	12784	13469	14162	14920	15615	16310
12	12421	13166	13915	14660	15405	16225	16968	17711
13	13537	14348	15158	15971	16782	17675	18456	19238
14	14816	15700	16584	17470	18355	19331	20154	20977
15	16224	17199	18175	19147	20124	21200	22065	22930
16	17732	18798	19862	20930	21991	23166	24074	24982
17	19339	20500	21666	22828	23993	25263	26165	27067
18	21060	22323	23582	24845	26048	27378	27390	28302
19	22779	24146	25488	26789	27299	28565	29512	30459
20	24664	26088	27501	28095	29466	30841	31826	32811
21	25797	27275	28755	30233	31711	33191	34214	35237
22	27692	29283	30876	32469	34062	35653	36716	37779
23	29663	31376	33092	34806	36521	38234		
24	31788	33999	36215	38429				
25	34062	36337	38612					
26	36488	38763						
27	39067							

MAXIMUM FICA WAGES: $14,100 - Employee's Rate 5.85% - Tax $824.

EXHIBIT 3 3/17/77

AFFIDAVIT OF MARGARET TOWNSEND IN REPLY TO AFFIDAVIT OF RONALD J. LEVINSON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------X

MARGARET TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent, NASSAU COUNTY CIVIL SERVICE COMMISSION, GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, Director of NASSAU COUNTY CIVIL SERVICE COMMISSION; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the New York State Civil Service Commission and head of the New York State Civil Service Department,

Defendants.

----------X

75 C 294

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF NASSAU)ss.:

MARGARET TOWNSEND, being duly sworn, deposes and says:

1. I submit this affidavit in response to Ronald J. Levinson's affidavit of January 12, 1976.

2. On June 22, 1975, I went into my eleventh year with Nassau County. Therefore, at that point I would be a grade ten step seven earning a base salary of $14,370.

3. My overtime and night differential are not speculative; since I indicated what I actually received.

4. Mr. Levinson has indicated my current difference in pay as a net figure which is not helpful. Furthermore, there is a raise effective January 1, 1976, which the County has not communicated to its employees, but which is in effect.

MARGARET TOWNSEND

Sworn to before me
this 14th day of January, 1976

NOTARY PUBLIC

STIPULATION BETWEEN PLAINTIFF AND DEFENDANT TO AN AWARD OF BACK PAY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARGARET TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent, NASSAU COUNTY CIVIL SERVICE COMMISSION GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, Director of NASSAU COUNTY CIVIL SERVICE COMMISSION; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the New York State Civil Service Commission and head of the New York State Civil Service Department,

Defendants.

75 C 294

STIPULATION

IT IS HEREBY STIPULATED by and between the parties by their respective attorneys as follows:

1. Plaintiff for the year 1974 is owed by the defendants the sum of $2,453.05 in back pay. This figure is arrived at in the following manner:

What Margaret Townsend would have received for the year 1974 if the County had not taken the complained of action against her.	$12,871.00	Base pay grade 10, step 6
	+ 1,611.24	Overtime
	$14,481.24	
What she actually received in 1974 from all sources	- $12,028.19	($9,840.34 base pay grade 10, step 6 + $1,381.60 overtime + $806.25 unemployment insurance)
	$ 2,453.05	Back pay

2. Plaintiff for the year 1975 is owed by defendants back pay in the amount of $2,229.13. This figure is arrived at as follows:

Base pay received grade 8, step 6	$11,744.00	
	+ 1,158.87	Overtime
	$12,902.87	
Base pay grade 10, step 6	$13,708.00	
	+ 1,424.00	Overtime
	$15,132.00	
	- $12,902.87	
	$ 2,229.13	Back pay

3. As to the back pay for the year 1976, the actual figure that plaintiff should be receiving as a grade 10, step ~~7~~ 10-plus (which she becomes, effective January 1, 1976 pursuant to the order of the Court and applicable personnel practices of the Nassau County Civil Service Commission), has not yet been determined by the defendant. This figure will be stipulated at a later date, and in the event there is any dispute as to said figure the Court retains jurisdiction over this matter to deal with the dispute.

Dated: February 4, 1976

H. W. Spizz

SPIZZ & MC EVILY
Community Legal
Assistance Corporation
By: HARVEY W. SPIZZ
73 Main Street
Hempstead, N. Y. 11550

JAMES M. CATTERSON
Nassau County Attorney
By: JAMES D. GALLAGHER
1 West Street
Mineola, N. Y. 11501

Approved February 14, 1976.

United States District Court Judge

JNG:hp

331A
JUDGMENT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

MARGARET TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent, NASSAU COUNTY CIVIL SERVICE COMMISSION, GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, Director of NASSAU COUNTY CIVIL SERVICE COMMISSION; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the New York State Civil Service Commission and head of the New York State Civil Service Dept.,

Defendants.

----------X

75 C 294

JUDGMENT

Filed
2-27-76

This matter having come on for a trial before this Court without a jury, the plaintiff having been represented by SPIZZ & MC EVILY, by HARVEY W. SPIZZ, Community Legal Assistance Corp., and the defendants being represented by JAMES M. CATTERSON, JR., County Attorney of Nassau County, by JAMES N. GALLAGHER, Deputy County Attorney, and the Court having filed its memorandum and order dated December 8, 1975 and the parties having submitted a Stipulation with reference to the issue of back pay dated February 4, 1976, it is hereby

ORDERED, ADJUDGED and DECREED as follows:

1. The plaintiff must be reclassified as a Provisional Medical Technologist I retroactive to December 31, 1973;

2. Plaintiff is awarded the sum of $4,682.18 as and for back pay for the years 1974 and 1975.

3. Plaintiff shall not be disqualified from taking future civil service examinations for permanent classification as Medical Technologist I by reason of her not having a college degree or certification by the American Society of Clinical Pathologists.

4. Plaintiff's counsel is awarded the sum of $2,500 as and for counsel fees, computed on the basis of 50 hours @ $50 per hour increased by 50% because of the precarious nature of the work.

5. This Court retains jurisdiction over this matter for the purpose of awarding back pay for the year 1976.

Dated: Brooklyn, New York
2-26-76

Jack B. Weinstein
United States District Court Judge

WSN:tm

333A
NOTICE OF APPEAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- -X

MARGARET TOWNSEND,

Plaintiff,

NOTICE OF APPEAL

- against -

NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent; NASSAU COUNTY CIVIL SERVICE COMMISSION; GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, EDWARD A. SIMMONS, ADELE LEONARD, Executive Director of Nassau County Civil Service Commission; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the New York State Civil Service Commission and head of the New York State Civil Service Department,

Defendants.
- -X

S I R:

NOTICE IS HEREBY GIVEN that defendants, NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent; NASSAU COUNTY CIVIL SERVICE COMMISSION: GABRIEL KOHN, Chairman; EDWARD A SIMMONS, ADELE LEONARD, Executive Director of Nassau County Civil Service Commission, hereby appeal to the United States Court of Appeals for the Second Circuit from a memorandum and order dated December 8, 1975, and a judgment dated February 26, 1976 and entered February 27, 1976, which order and judgment

ordered, adjudged and decreed that the plaintiff must be re-classified as a Provisional Medical Technologist I retroactive to December 31, 1973; plaintiff is awarded the sum of $4,682.18 as and for back pay for the years 1974 and 1975; plaintiff shall not be disqualified from taking future civil service examinations for permanent classification as Medical Technologist I by reason of her not having a college degree or certification by the American Society of Clinical Pathologists; plaintiff's counsel is awarded the sum of $2,500 as and for counsel fees, and this Court retains jurisdiction over this matter for the purpose of awarding back pay for the year 1976.

The Nassau County defendants appeal from each and every part of said order dated December 8, 1975, and judgment entered on February 27, 1976, as well as from the whole thereof.

Dated: Mineola, New York
March 9, 1976

Yours, etc.,

JAMES M. CATTERSON, JR.
County Attorney

By _____
WILLIAM S. NORDEN
Deputy County Attorney
Attorney for Nassau County Defendants
Nassau County Executive Building
Mineola, New York 11501

TO:
SPIZZ & McEVILY, ESQS.
Attorneys for Plaintiff
Community Legal Assistance Corp.
73 Main Street
Hempstead, New York 11550

335A

PLAINTIFF'S EXHIBIT 1

MEADOWBROOK HOSPITAL

THE NASSAU COUNTY PUBLIC GENERAL HOSPITAL

2201 HEMPSTEAD TURNPIKE

EAST MEADOW, N. Y., 11554

Telephone: 542-0123

BOARD OF MANAGERS

JOHN N. SHELL, M.D., President
WARREN J. FREEMAN, Vice-President
GEORGE J. PANAGOT, Secretary
WILLIAM F. RUEGER
DANIEL T. SWEENEY

JAMES F. COLLINS, M. D., F. A. C. H. A
SUPERINTENDENT

15 June 1970

From: George F. Davis Sr.
Supervisor Blood Bank

To: WHOM IT MAY CONCERN

Subject: Mrs. Margaret TOWNSEND, Recommendation for

1. I have listed below my evaluation observation of Mrs. Townsend in the six years I have known her.

(A) Job knowledge - Excellent comprehension and and exceptional knowledge of related work.
(B) Quantity - Consistenly completes own work and additional tasks.
(C) Quality - Accurate, thorough, careful, neat and makes practically no errors.
(D) Always prompt and seldom absent.
(E) Can be counted on to work extremely well, and shows much initiative.
(F) Does what is asked of her and gets along very well with others.
(G) Always pleasant, courteous and attentive. Mrs. Townsend gains respect and has extra-ordinary interest and enthusiasm.
(H) Mrs. Townsends general appearance is exceptional, she is of very good character and has unquestionable loyalty.

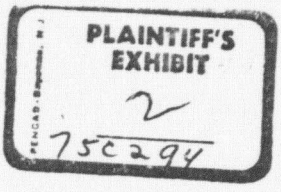
Very truly yours

George F. Davis Sr.

George F. Davis Sr.
Medical Technologist III
Supervisor Blood Bank
Nassau County Medical Center
Meadowbrook Hospital
E. Meadow, New York

BEST COPY AVAILABLE

Compl Ef A.



PLAINTIFF'S EXHIBIT 2

NASSAU COUNTY CIVIL SERVICE COMMISSION

NAME MARGARET TOWNSEND EMP.NO. 866550

DEPT. PG HOSP PATS

YOUR PRESENT TITLE IS MED TECH I

OUR RECORDS INDICATE THAT YOU WERE NOT APPOINTED FROM AN ELIGIBLE LIST APPROPRIATE FOR THIS TITLE.

IT WILL BE NECESSARY FOR YOU TO TAKE AN EXAMINATION FOR THIS TITLE AND BE APPOINTED FROM THE ELIGIBLE LIST ESTABLISHED AS A RESULT OF THE EXAMINATION.

IF YOU HAVE ALREADY PASSED A COMPARABLE EXAMINATION, AND YOUR NAME APPEARS ON AN EXISTING ELIGIBLE LIST, YOUR STATUS WILL DEPEND UPON YOUR ELIGIBILITY FOR CERTIFICATION.

THIS DETERMINATION IS IN ACCORDANCE WITH THE NEW YORK STATE CIVIL SERVICE LAW.

EFFECTIVE DATE-JULY 7,1967

ADELE LEONARD
EXECUTIVE DIRECTOR

PLEASE COMPLETE THIS SIDE OF THE CARD ONLY

NASSAU COUNTY CIVIL SERVICE COMMISSION
140 Old Country Road
Mineola, N.Y.

PLAINTIFF'S EXHIBIT 3
75 C 296

Date 12-4-71

EXAMINATION FOR MED TECH II #60-529 ☐ O.C. ☐ Prom.
(Title and Number of Examination)

Name [illegible]
Address 133 [illegible]
[illegible] (Zip)

CSR-5
CSX-6135 11-68

PLAINTIFF'S EXHIBIT 3

TO BE COMPLETED BY THE CIVIL SERVICE COMMISSION ONLY

You have attained a passing grade on all parts of the examination indicated on this card.

Your grade is: _____

Position on list: _____

List established: _____

Veteran's Preference Included

Cannot be certified until the following document has been shown to this office.

___ High School Diploma
___ Official College Transcript
___ Public Health Council Certification
___ Driver's License
___ Naturalization Papers

☐ No review. You have been given an opportunity to review your examination papers.

☑ No review except verification of computations upon written request presented to this office within 5 days of the postmark of this notice.

☐ Upon written request presented to this office within (5) (15) days of the postmark of this notice, you will be notified of date to review your paper.

☑ You have failed to attain a passing grade for the examination indicated on the front of this card.

Your grade is:
-60

Reverse Side of Plaintiff's Exhibit 3
337A

PLEASE COMPLETE THIS SIDE OF THE CARD ONLY

NASSAU COUNTY CIVIL SERVICE COMMISSION
140 Old Country Road
Mineola, N.Y.

PLAINTIFF'S EXHIBIT 4
4
7FC294

Date 12-4-91

EXAMINATION FOR [illegible] (Title and Number of Examination)

☐ O.C.
☐ Prom.

Name [illegible]
Address 133 [illegible]
[illegible] N.Y. 11520 (Zip)

TO BE COMPLETED BY THE CIVIL SERVICE COMMISSION ONLY

You have attained a passing grade on all parts of the examination indicated on this card

our grade is: _____

osition on list: _____

ist established: _____

eteran's Preference Included

Cannot be certified until the following document has been shown to this office.

___ High School Diploma
___ Official College Transcript
___ Public Health Council Certification
___ Driver's License
___ Naturalization Papers

☐ No review. You have been given an opportunity to review your examination papers.

☑ No review except verification of computations upon written request presented to this office within 5 days of the postmark of this notice.

☐ Upon written request presented to this office within (5) (15) days of the postmark of this notice, you will be notified of date to review your paper.

☑ You have failed to attain a passing grade for the examination indicated on the front of this card.

Your grade is:

5[illegible]0

Reverse Side of Plaintiffs Exhibit 4

338 A

339A

PLAINTIFF'S EXHIBIT 5

NASSAU COUNTY CIVIL SERVICE COMMISSION

(CANDIDATE: Complete information on this side only)

Exam No. 64437, Title Med. Tech. I

Exam No. 64439, Title Med. Tech. II

Exam No. _____, Title _____

Examination date: _____

Social Security No. 216243256

Name: Margaret Townsend (please print)

Address 133 Commercial St.

Freeport, NY. 11520 zip

for office use

M-3. 2/68 Rev. 2/72

REVERSE SIDE OF PLAINTIFF'S EXHIBIT 5

☐ Subject to further evaluation of your application at a later date, you may take Examination Number(s):

1. #_____
2. #_____
3. #_____

All candidates must provide
- ☐ Social Security Number
- ☐ No. 2 pencils
- ☐ Steno pad ☐ Slide Rule
- ☐ See enclosed sheet
- ☐ You may bring lunch

PENCAD · Bayonne, N.J.

PLAINTIFF'S EXHIBIT

75 C 291

THIS NOTICE MUST BE PRESENTED AT THE TIME OF EXAMINA

☑ Your application for Examination Number(s) 64437, 64439 ☐ _____, has been disapproved for the following reason(s)

lack education requirement - Bachelor of Science degree or appropriate ASCP certification

You are admitted conditionally pending:
- ☐ Satisfactory transcript (official)
- ☐ Employment verification
- ☐ Other _____

The above condition(s) must be satisfied or your exam paper will not be rated.

PLAINTIFF'S EXHIBIT 6

1	6	2	4	3	2	6

FOR UNEMPLOYMENT INSURANCE REPORT TO THE INSURANCE OFFICE AT THE ADDRESS SHOWN ON THE FRONT OF THE BOOKLET:

On Each 1/24/24 Between 2220 And .....

On Each ..... Between ..... And .....

On Each ..... Between ..... And .....

On Each ..... Between ..... And .....

	BENEFIT YEAR ENDING		
	1/25/24	/ /	/ /
Benefit Rate	$ 75-1	$	$

Claim Card Issued .....

Signature .....

FOR EMPLOYMENT SERVICE
REPORT TO THE EMPLOYMENT OFFICE AT:

PLAINTIFF'S EXHIBIT 6 25 C 294

Soc. No. .....

Occ. Maid Feet	Occ. 2
Code 079	Code
☐ VETERAN ☐ NON-VETERAN	SP. STATUS

REPORT TO THE EMPLOYMENT OFFICE ON THE DATES SHOWN ON THE CALENDAR INSERT

NOTICE OF BENEFIT RATE

WEEKLY BENEFIT RATE	$ 75-	$	$
FOR THE BENEFIT YEAR ENDING	1/25/25		
YOUR BASE PERIOD IS THE 52 WEEK PERIOD ENDING	12/30/23		
NUMBER OF WEEKS WORKED IN BASE PERIOD	08		
TOTAL BASE PERIOD WAGES	$ 6500	$	$
THIS INITIAL DETERMINATION IS ISSUED ON	1/25/24		
INITIALS OF STATE MEMBER			

Your benefit rate is based on your average weekly wages during the base period. A further explanation of the way your rate is figured will be given you on request. If you disagree with this determination and wish a hearing before an impartial referee, you must request the hearing within thirty days from the date the determination is mailed or delivered to you personally.

If you request a hearing, you must continue to report as directed during the period you are unemployed to protect your rights.

BEST COPY AVAILABLE

341A

GENERAL INSTRUCTIONS

Keep this book even if you get a job. You may need it again.

Bring it with you every time you report to an insurance office of the Department of Labor.

Enclose it when you make inquiries by mail or when you file a claim by mail.

ALSO BE SURE TO INCLUDE THE INSURANCE BOOK CALENDAR INSERT AND THE CLAIM CARD ISSUED TO YOU. THEY WILL BE RETURNED TO YOU.

ALWAYS GIVE YOUR SOCIAL SECURITY ACCOUNT NUMBER.

3. Your employer is required to give you a Record of Employment slip (IA 12.3) if you lose or quit a job. You should present all slips received in the past 52 weeks whenever you file a new benefit claim.

4. Read and learn the instructions in the Claimant's Information Booklet so you will know your rights under the Unemployment Insurance Law.

5. If you have any questions, inquire at your local insurance office. This will insure that you receive correct information. Do not rely on information you get from persons not connected with the Unemployment Insurance Division.

6. If you lose this book or your Claim Card, notify your unemployment insurance office.

IMPORTANT NOTICE

The law provides severe penalties for false statements wilfully made to obtain benefits.

NEW YORK STATE DEPARTMENT OF LABOR
Unemployment Insurance Division

Claimant

TOWNSEND BOOKLET
133 COMMERCIAL ST
FREEPORT, N.Y. 11520

NEW YORK STATE DEPARTMENT OF LABOR
UNEMPLOYMENT INSURANCE DIVISION

84 S. MAIN ST
FREEPORT, N. Y. 11520

342A

WEEK	MON.	TUE.	WED.	THU.	FRI.	SAT.	SUN.	WEEKLY EARN.*	EFF. DAYS	ACTION REQD.	PAYT. NO.	INIT.	DATE	U.I. COMMENTS OR ACTION TAKEN	EMPLOYMENT DATE TO REPORT	EMPLOYMENT DATE REPD.	EMPLOYMENT INIT.
48 NOV. '73	26	27	28	29	30	1	2										
49	3	4															
50	10	11	12	13			16										
51 DEC. '73	17	18	19	20	21		23										
52			26	27	28	29	30					SE	1/2/24				
1	31 N	1 N	2 N	3 N	4 N	5 N	6 N		4W						1/24		
2	7 N	8 N	9 N	10 N	11 N	12 N	13 N		4		1		1/11	2			
3 JAN. '74	14 N	15 N	16 N	17 N	18 N	19 N	20 N		4		2		1/				
4	21 N	22 N	23 N	24 N	25 N	26 N	27 N		4		3	sick	1/29				
5	28 N	29 N	30 N	31 N	1 N	2 N	3 N		4		4	sick	2/5				
6	4 N	5 N	6 N	7 N	8 N	9 N	10 N		4		5		2/	Matti			
7 FEB. '74	11 N	12 N	13 N	14 N	15 N	16 N	17 N		4		6						
8	18 N	19 N	20 N	21 N	22 N	23 N	24 N		4		7		2/				

WEEK	MON	TUE	WED	THU	FRI	SAT	SUN	WEEKLY EARN.*	EFF. DAYS	ACTION REQD.	PAYT. NO.	INIT.	DATE	U.I. COMMENTS OR ACTION TAKEN	EMPLOYMENT DATE TO REPORT	EMPLOYMENT DATE REPD.	EMPLOYMENT INIT.
9	25 N	26 N	27 N	28 N	1 N	2 N	3 N		4		8		3/5		Richardelle		
10	4 N	5 N	6 N	7 N	8 N	9 N	10 N		4		9		3/12				
11 MAR. '74	11 N	12 N	13 N	14 N	15 N	16 N	17 N		4		10		3/19	Late 3 days			
12	18 N	19 N	20	21	22	23	24		3		11		3/26				
13	25	26	27	28	29	30	31										
14	1	2	3	4	5	6	7										
15	8	9	10	11	12	13	14										
16 APR. '74	15	16	17	18	19	20	21							3			
17	22	23	24	25	26	27	28										
18	29	30	1	2	3	4	5										
19	6	7	8	9	10	11	12										
20	13	14	15	16	17	18	19										
21 MAY '74	20	21	22	23	24	25	26										
22	27	28	29	30	31	1	2										
23 JUNE '74	3	4	5	6	7	8	9										

WEEK	MON	TUE	WED	THU	FRI	SAT	SUN	WEEKLY EARN.*	EFF. DAYS	ACTION REQD.	PAYT. NO.	INIT.	DATE	U.I. COMMENTS OR ACTION TAKEN	EMPLOYMENT DATE TO REPORT	EMPLOYMENT DATE REPD.	EMPLOYMENT INIT.
24 JUNE '74	10	11	12	13	14	15	16										
25	17	18	19	20	21	22	23										
26	24	25	26	27	28	29	30										
27	1	2	3	4	5	6	7										
28	8	9	10	11	12	13	14										
29 JULY '74	15	16	17	18	19	20	21							4			
30	22	23	24	25	26	27	28										
31	29	30	31	1	2	3	4										
32	5	6	7	8	9	10	11										
33	12	13	14	15	16	17	18										
34 AUG. '74	19	20	21	22	23	24	25										
35	26	27	28	29	30	31	1										

Fill in all calendar boxes.

I DID SOME WORK ON DAYS MARKED "Y" (YES).. ☑ MARITIME WORKERS PRINT "Y" FOR DAYS YOU WERE ON ARTICLES.

I DID NO WORK AT ALL ON DAYS MARKED "N" (NO) ☑

I WAS NOT WILLING OR ABLE TO WORK BECAUSE OF SICKNESS OR OTHER REASONS ON DAYS MARKED "O"..... ☑

I RECEIVED OR WILL RECEIVE HOLIDAY OR VACATION PAY FOR DAYS MARKED "P" (PAY)..... ☑

*AMOUNTS ARE MY WEEKLY EARNINGS BEFORE DEDUCTIONS AND INCLUDE TIPS AND VALUE OF ROOM AND BOARD

343A

N.Y.S. DEPT. OF LABOR-U.I. DIVISION — INSURANCE BOOK CALENDAR INSERT - LO 318.2 (9-73)

S.S.A. No. 262 44 3256

STAY WEEK		MON	TUE	WED	THU	FRI	SAT	SUN	INSURANCE: WEEKLY EARN.*	EFF. DAYS	ACTION REQD.	PAYT. NO.	INIT.	DATE	U.I. COMMENTS OR ACTION TAKEN	EMPLOYMENT: DATE TO REPORT	DATE REPD.	INIT.
36	SEP. '74	2	3	4	5	6	7	8										
37		9	10	11	12	13	14	15										
38		16	17	18	19	20	21	22										
39		23	24	25	26	27	28	29										
40		30	1	2	3	4	5	6										
41	OCT. '74	7	8	9	10	11	12	13										
42		14	15	16	17	18	19	20										
43		21	22	23	24	25	26	27										
44		28	29	30	31	1	2	3										
45	NOV. '74	4	5	6	7	8	9	10										
46		11	12	13	14	15	16	17										
47		18	19	20	21	22	23	24										

5

		MON	TUE	WED	THU	FRI	SAT	SUN	INSURANCE: WEEKLY EARN.*	EFF. DAYS	ACTION REQD.	PAYT. NO.	INIT.	DATE	U.I. COMMENTS OR ACTION TAKEN	EMPLOYMENT: DATE TO REPORT	DATE REPD.	INIT.
48	NOV. '74	25	26	27	28	29	30	1										
49		2	3	4	5	6	7	8										
50		9	10	11	12	13	14	15										
51	DEC. '74	16	17	18	19	20	21	22										
52		23	24	25	26	27	28	29										
1		30	31	1	2	3	4	5										
2		6	7	8	9	10	11	12										
3	JAN. '75	13	14	15	16	17	18	19										
4		20	21	22	23	24	25	26										
5		27	28	29	30	31	1	2										
6		3	4	5	6	7	8	9										
7	FEB. '75	10	11	12	13	14	15	16										
8		17	18	19	20	21	22	23										
9		24	25	26	27	28	1	2										
10	MAR. '75	3	4	5	6	7	8	9										

6

		MON	TUE	WED	THU	FRI	SAT	SUN	INSURANCE: WEEKLY EARN.*	EFF. DAYS	ACTION REQD.	PAYT. NO.	INIT.	DATE	U.I. COMMENTS OR ACTION TAKEN	EMPLOYMENT: DATE TO REPORT	DATE REPD.	INIT.
36	SEP. '73	3	4	5	6	7	8	9										
37		10	11	12	13	14	15	16										
38		17	18	19	20	21	22	23										
39		24	25	26	27	28	29	30										
40	OCT. '73	1	2	3	4	5	6	7										
41		8	9	10	11	12	13	14										
42		15	16	17	18	19	20	21										
43		22	23	24	25	26	27	28										
44		29	30	31	1	2	3	4										
45	NOV. '73	5	6	7	8	9	10	11										
46		12	13	14	15	16	17	18										
47		19	20	21	22	23	24	25										

1

X Fill in all calendar boxes.
I DID SOME WORK ON DAYS MARKED "Y" (YES)... Y MARITIME WORKERS: PRINT "Y" FOR DAYS YOU WERE ON ARTICLES.
I DID NO WORK AT ALL ON DAYS MARKED "N" (NO) N.
PAS NOT SUBJECT TO UNEMPLOYMENT INSURANCE

344A

Plaintiff's Exhibit 7

File

COUNTY OF NASSAU

TERMINATION FORM

DEPARTMENT PATHOLOGY LABORATORY

BUDGET CODE NO 192

LOCATION NASSAU COUNTY MEDICAL CENTER

NAME Margaret Townsend

TITLE Medical Technologist I Grade 10

EMPLOYEE SOCIAL SECURITY NO 262-44-3256

REASON: ( ) TEMPORARY POSITION

( ) SEASONAL POSITION

( ) LACK OF WORK

( ) ABOLITION OF POSITION

( ) UNSATISFACTORY PERFORMANCE (EXPLAIN)

( ) MISCONDUCT

( ) EMPLOYEE DISSATISFACTION (EXPLAIN)

( ) UNAUTHORIZED ABSENCE (RULE 25 (4))

(X) PROVISIONAL --- LIST ESTABLISHED

1/3/74
(DATE)

Allen H. Semmes
(SIGNATURE)

LABORATORY MANAGER
(TITLE)

PM 5060 12/10/67

345A

MEADOWBROOK HOSPITAL
DISCHARGE OR RESIGNATION OF EMPLOYEE

Name Margaret Townsend

Position Med TechI Grade 10

Effective date of
Discharge 12/31/73 Resignation

Reason Terminated

	Excellent	Good	Fair	Poor
Personality		✓		
Health		✓		
Honesty		✓		
Sobriety		✓		
Quality of Work		✓		

Do you recommend reemployment? yes

Remarks:

Signed Allen A. Kinney Date 1/3/74

Send immediately to Personnel Department

1/3/74
(DATE)

Allen A. Kinney
(SIGNATURE)

LABORATORY MANAGER
(TITLE)

346A

NASSAU COUNTY MEDICAL CENTER

PERFORMANCE REVIEW

Employee's Name Townsend, Margaret Department Blood Bank Date of Report Period From:

Job Title _____ Grade _____ Step _____ To: Dec. 1971

Code No.

INSTRUCTIONS RATE THE EMPLOYEE'S PERFORMANCE SINCE LAST REVIEW. CONSIDER EACH FACTOR SEPARATELY. RATE EMPLOYEE AS FAIRLY AS YOU WOULD WISH TO BE RATED.

Date of this Review _____

JOB FACTORS	Unsatisfactory	Minimum Performance	STANDARD	Above Standard	Exceptional
1. Job Knowledge Knowledge and understanding of all phases of his work.	Inadequate knowledge of job, inability to comprehend fundamentals. ☐	Acceptable knowledge. Is able to absorb training ☐	Adequate to perform work in an acceptable manner. ☐	Better than average knowledge of own work. Good knowledge of related work. ✓	Excellent comprehension of own job and exceptional knowledge of related work. ☐
	COMMENT				
2. Quantity Speed of performance regardless of quality of work completed.	Generally slow. Does not complete an acceptable amount of work. ☐	Output increasing. Not yet up to standard. ☐	Produces what is expected of thoroughly qualified employee on the job. ☐	Usually completes more than is expected and takes on additional tasks. ✓	Consistently completes an exceptional amount of work and takes on additional tasks. ☐
	COMMENT				
3. Quality Accuracy, thoroughness and neatness of work, regardless of amount of output.	Makes many errors. Generally careless. Cannot be depended upon to do acceptable work. ☐	Work not at standard. Careless at times. ☐	Normally orderly and careful. Makes few errors. ☐	Almost always orderly, thorough, careful, seldom makes an error. ☐	Consistently accurate, thorough, careful, neat, makes practically no errors. ✓
	COMMENT				

PERSONAL CHARACTERISTICS	UNSATISFACTORY	SATISFACTORY	OUTSTANDING
4. Attendance and Punctuality	Unreliable, excessive absences and lateness. ☐	Acceptable attendance and punctuality. ✓	Always prompt, seldom absent. ☐
	COMMENT		
5. Amount of Supervision Required EXTENT OF FOLLOW-UP NECESSARY TO SEE THAT JOB IS DONE ACCORDING TO INSTRUCTIONS.	Must be constantly watched and checked to see that job is done correctly. ☐	Works steadily and does an acceptable job with only normal supervision. ☐	Can be counted on to work extremely well and steadily alone, requires no supervision, shows much initiative. ✓
	COMMENT		
6. Cooperation ABILITY TO WORK WELL WITH SUPERVISORS AND CO-WORKERS FOR GOOD OF HOSPITAL.	Avoids his share of work. Reluctantly does as asked. Causes friction. ☐	Does what is asked to do, pleasant, gets along well, causes no friction. ✓	Goes out of way to be congenial, gets along unusually well with others. ☐
	COMMENT		
7. Attitude	Frequently displays moods or actions causing dissention, complains, finds fault, has little interest ☐	Businesslike, courteous and attentive, has high interest and enthusiasm. ✓	Always pleasant, even tempered, has extraordinary interest and enthusiasm, gains respect. ☐
	COMMENT		
8. Appearance STATE OF GENERAL APPEARANCE AND GROOMING.		Excellent	

9. Overall Rating	UNSATISFACTORY	MINIMUM PERFORM.	STANDARD	ABOVE STANDARD	EXCEPTIONAL
			✓		

M-4974 2/8/68

10. A RATING BELOW THAT OF "STANDARD", OR ABOVE "EXCEPTIONAL", MUST BE EXPLAINED BY A STATEMENT OF SPECIFIC CRITICISM OR JUSTIFICATION.

11. EMPLOYEE'S COMMENTS:

I HAVE BEEN GIVEN THE OPPORTUNITY TO REVIEW THIS EVALUATION AND TO DISCUSS IT WITH MY SUPERVISOR.

Wyndell Townsend
Employee's Signature

DATE 12/14/71

Prepared by J A Applebaum

Title Med Tech III

Date 12/13/71

Comments 2 (5) - Mrs Townsend is an extremely capable worker but has been bothered for the past several months by a back ailment, difficult to diagnose - and is still under treatment pa

Approved by Ed Salvadia

Date 1/6/72

Comments

G H Kenneca

JAN. 24

Asst. Chief, L.D. 1/26/72

BEST COPY AVAILABLE

PERSONNEL DEPT.

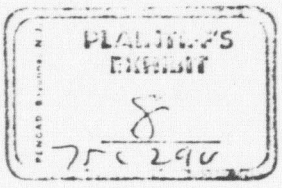
By

Date

PLAINTIFF'S EXHIBIT 8

NASSAU COUNTY

CLASS SPECIFICATION



Title: Laboratory Technician II (Hematology) (Histology) (Virology) (Chemistry) (Serology) (Bacteriology) (Immunohematology) (Electrophoresis)
Code: 330040

GENERAL STATEMENT OF DUTIES

Supervises and participates in a variety of standardized tests and examinations in a hospital or institutional medical laboratory; performs related duties as required.

COMPLEXITY OF DUTIES

Under direct supervision, the duties require planning, organizing and supervising the work of subordinates engaged in laboratory work or the duties require the ability to perform more difficult and complex tests.

TYPICAL DUTIES

1. Supervises the work of a small number of laboratory technicians and assistants engaged in medical laboratory work.

2. Trains and instructs subordinates in special and general laboratory techniques and procedures.

3. Supervises the performance of hematological examinations.

4. Makes qualitative and quantitative chemical tests to determine presence of sugar and albumen.

5. Supervises a group of technicians performing microbiological examinations.

6. Makes cultures, isolates and identifies microorganisms.

7. Prepares standard reagents, solutions and stains.

8. Mounts tissue specimens and prepares solutions for treating and staining tissues.

9. Reviews and prepares reports on laboratory analyses and activites.

10. Assists pathologists in autopsies.

QUALIFICATIONS

Knowledge, Skills And Abilities

1. Considerable knowledge of the principles, methods, materials and practices of medical laboratory technology.

2. Knowledge of effective methods of supervision.

(over)

3. Knowledge of the literature and of the current developments in the field of laboratory technology.

4. Knowledge of the hazards and safety precautions involved in the work.

5. Skill in the use of medical laboratory equipment.

6. Ability to supervise the preparation of reports and maintenance of records concerning the work.

7. Eyesight to permit extended microscopic work.

Training And Experience

1. Graduation from high school supplemented by completion of an approved course in medical laboratory technology;

and

2. Three years of medical laboratory experience including one year in a responsible supervisory capacity;

or

3. A satisfactory combination of training and experience.

Revised 5/9/68

NASSAU COUNTY

CLASS SPECIFICATION

350A

Title: Medical Technologist I
(Hematology) (Histology)
(Virology) (Chemistry)
(Serology) (Bacteriology)
(Immunohemotology)
(Electrophoresis)
(Microbiology)
(Parasitology)
(Blood Bank)

Code: 330310

GENERAL STATEMENT OF DUTIES

Performs laboratory procedures on biological specimens in order to aid in the detection of disease; performs related duties as required.

COMPLEXITY OF DUTIES

The position is professional, requires the use of independent judgment and is subject to review by a supervisor through observation of work during performance and occasional retests performed by higher level medical technologists.

TYPICAL DUTIES

1. Prepares and stains slides from specimens and examines them under a microscope to determine the presence, identification and quantity of bacteria, fungi, protozoa and other micro-organisms.

2. Assists in determining the presence of pathogenic organisms.

3. Cultures specimens such as fluids, erudates, tissue and water samples to determine presence of specific types of organisms and identifies them by microscopic examination and other tests.

4. Performs diagnostic technical work in the field of specialization.

5. Conducts bacteriological surveys at sites where food or water is supplied.

6. Tests media for sterility and fitness for use by presence of visible organisms.

7. Keeps records and makes reports concerning tests and examinations performed.

(over)

QUALIFICATIONS

Knowledge, Skills and Abilities

1. Knowledge of the principles, methods and practices in the field of specialization with emphasis on culture and diagnostic methods.

2. Knowledge of the use, operation and care of laboratory equipment.

3. Knowledge of basic principles of the natural sciences.

4. Skill in the use and care of laboratory equipment.

5. Ability to perform prolonged microscopic work.

Training and Experience

1. Either:

(a) Bachelor of Science degree from a regionally accredited college or university, or one approved by New York State;

or

(b) American Society of Clinical Pathologists (ASCP) certification as a Medical Technologist.

2. No prior experience requirement.

352A

NASSAU COUNTY

CLASS SPECIFICATION

Title: Medical Technologist II
(Hematology) (Histology)
(Virology) (Chemistry)
(Serology) (Bacteriology)
(Immunohematology)
(Electrophoresis)
(Microbiology)
(Parasitology)
(Blood Bank)

Code : 330320
Page : 1 of 2

GENERAL STATEMENT OF DUTIES

Supervises and performs laboratory procedures on biological specimens in order to aide in the detection of disease, life and action of micro-organisms; performs related duties as required.

COMPLEXITY OF DUTIES

Under general supervision, the duties require the planning, organizing and directing the activities of subordinate engaged in the field of specialization.

TYPICAL DUTIES

1. Supervises a small group of professional and sub-professional laboratory personnel in the performance of variety of microbiological experiments and tests.

2. Performs difficult and special experiments in the field of specialization.

3. Conducts research on laboratory techniques, testing methods and procedures.

4. Supervises the preparation of solutions, reagents, and stains, and tests them for standardization.

QUALIFICATIONS

Knowledge, Skills and Abilities

1. Considerable knowledge of the principles, methods, and practices in the field of specialization.

2. Considerable knowledge of the basic principles of the natural sciences.

3. Knowledge of current developments in the field of specialization.

4. Considerable skill in the use, operation and care of laboratory equipment.

(over)

353A

Title: Medical Technologist II
(Hematology) (Histology)
(Virology) (Chemistry)
(Serology) (Bacteriology)
(Immunohemotology)
(Electrophoresis)
(Microbiology)
(Parasitology)
(Blood Bank)

Code : 330320

5. Ability to plan, organize and supervise professional and sub-professional personnel in the performance of laboratory tests and examinations.

6. Ability to conduct independent research in improving laboratory methods and procedures and to prepare reports of this work.

7. Ability to perform prolonged microscopic work.

Training and Experience

Either:

(a) Bachelor of Science degree from a regionally accredited college or university, or one approved by New York State;

or

(b) American Society of Clinical Pathologists (ASCP) certification as a Medical Technologist

and

Two years of experience in the field of specialization.

Revised: 4/16/73

NASSAU COUNTY

354A

CLASS SPECIFICATION

Title: Medical Technologist III
(Hematology) (Histology)
(Virology) (Chemistry)
(Serology) (Bacteriology)
(Immunohemotology)
(Electrophoresis)
(Microbiology)
(Parasitology)
(Blood Bank)

Code : 330330
Page : 1 of 2

GENERAL STATEMENT OF DUTIES

Directs and supervises laboratory studies in the field of specialization or independently performs advanced studies in a specialized field; performs related duties as required.

COMPLEXITY OF DUTIES

Under general supervision, the duties require planning, organizing and directing the activities of subordinates engaged in a general or a specialized field or the independent performance of advanced studies in a specialized field.

TYPICAL DUTIES

1. Supervises subordinates in a specialized field.

2. Directs the activities of professional and sub-professional and technical laboratory personnel in the performance of a variety of examinations and tests.

3. Performs the most difficult or advanced examinations and tests in the field of specialization.

4. Supervises the culture and examination of clinical specimens for the identification of organisms.

5. Supervises and conducts research on laboratory techniques, testing methods and procedures.

6. Trains student technologists and departmental personnel in specialized fields of laboratory work.

QUALIFICATIONS

Knowledge, Skills and Abilities

1. Thorough knowledge of the principles, methods, techniques and practices in the field of specialization.

(over)

2. Thorough knowledge of the basic principles of the natural sciences.

3. Considerable knowledge of current developments in the field of specialization.

4. Considerable skill in the use and care of laboratory equipment.

5. Ability to supervise professional and sub-professional and technical personnel in the performance of laboratory tests and examinations.

6. Ability to conduct independent research to improve laboratory methods and procedures and to prepare comprehensive reports of this work.

7. Ability to perform prolonged microscopic work.

Training and Experience

Either:

(a) Bachelor of Science degree from a regionally accredited college or university, or one approved by New York State;

or

(b) American Society of Clinical Pathologists (ASCP) certification as a Medical Technologist

and

Five years of experience in the field of specialization.

Revised: 4/16/73

NASSAU COUNTY

Title: Registered Nurse I
Code No. 310040
Page 1 of 2

CLASS SPECIFICATION

GENERAL STATEMENT OF DUTIES

Performs professional general duty nursing for the care and treatment of physically or mentally ill patients at hospitals or other institutions; performs related duties as required.

COMPLEXITY OF DUTIES

Under the general supervision of a nurse of higher rank or a physician, performs nursing work according to standard practices; the work of this class includes supervision of non-professional personnel in the care and treatment of patients and their environment.

TYPICAL DUTIES

1. Applies nursing principles and techniques for the care and treatment of patients physically or mentally ill.

2. Takes temperature, pulse and respiration and blood pressure.

3. Charts and records administration of medications and treatments and observes patients for deviation from normal condition.

4. Obtains sputum, urine, and other specimens for laboratory examination.

5. Prepares clinical charts, and census slips.

6. Prepares narcotics reports and orders drugs.

7. Assists and supervises non-professional employees in hospital routines and procedures.

QUALIFICATIONS

Knowledge, Skills And Abilities

1. Knowledge of practices and principles of professional nursing care.

2. Knowledge of anatomy, physiology, hospital dietetics, personal hygiene and bedside nursing.

3. Ability to apply nursing techniques related to standard medical and surgical practices.

4. Ability to maintain records and charts and to prepare reports.

5. Ability to maintain a sympathetic attitude toward patients.

(over)

6. Ability to assign work to subordinate employees and develop good working relationships.

Training And Experience

Graduate of an accredited school of nursing.

Necessary Special Requirement

Possession of a current license or eligibility for a license to practice as a registered professional nurse in New York State.

Revised: 6/3/66

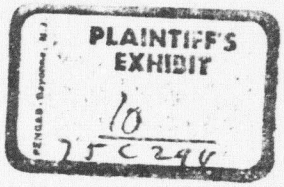
SALARY GRADED PLAN - EFFECTIVE JANUARY 1, 1974
*6% increase effective July, 1975

Grade	Step 1 (1st yr.)	Step 2 (2d yr.)	Step 3 (3d yr.)	Step 4 (4th yr.)	Step 5 (5th yr.)	Step 6 (6-10yr.)	Step 7 (11th yr.)	Contract longevity
6	7,648	8,038	8,438	8,849	9,257	9,669	10,101	10,530
8	8,655	9,130	9,604	10,078	10,552	11,027	11,534	12,041
10	10,006	10,559	11,113	11,680	12,276	12,871	13,493	14,096
12	11,718	12,421	13,127	13,830	14,533	15,235	15,932	16,611
14	13,977	14,811	15,645	16,481	17,316	18,151	18,924	19,681

PLAINTIFF'S EXHIBIT 9
358A

PLAINTIFF'S EXHIBIT
9
75 294

PLAINTIFF'S EXHIBIT 10



"RECRUITMENT DIVISION INDEX" OF

CIVIL SERVICE COMMISSION

Competitive Class Titles

Title Code	Title	Job Qualif.	Grade
330030	Lab. Tech. I	B,E,N,	06
330040	Lab. Tech. II	F,O,	08
330310	Med. Tech. I	P	10
330320	Med. Tech. II	Q	12
330330	Med. Tech III	Q.	15

Non Competitive Class Titles

310040	Registered Nurse I	N,P	11
310050	Registed Nurse II	O,Q,R	13

Qualification Index

B - No high school, experience.

E - Special training.

F - Special training, experience.

N- Limited College

O- Limited College, experience.

P - Bachelor's degree, no experience.

Q - Bachelor's degree, experience.

R - Bachelor's degree, Special training, experience.

PLAINTIFF'S EXHIBIT 11360A

e 51. Educational Characteristics by Race, for Urban and Rural Residence: 1970

(Data based on sample, see text. For minimum base for derived figures (percent, median, etc.) and meaning of symbols, see text)

PLAINTIFF'S EXHIBIT 11 75-C 296

State	The State				Urban			
	Total	White	Negro	Persons of Puerto Rican birth or parentage	Total	White	Negro	Persons of Puerto Rican birth or parentage
OL ENROLLMENT								
Total enrolled, 3 years old and over	5 118 037	4 407 541	656 654	272 867	4 299 454	3 604 542	645 128	270 657
3 to 34 years old	5 031 991	4 334 158	644 891	270 500	4 222 433	3 539 875	633 623	268 523
r school	92 340	76 698	14 226	3 115	82 497	67 127	14 053	3 069
c	28 044	17 781	9 804	2 450	24 976	14 864	9 664	2 450
rcent	30.4	23.2	68.9	78.7	30.3	22.1	68.8	79.8
chool	5 400	4 908	413	151	5 187	4 695	413	151
r private	58 896	54 009	4 009	514	52 334	47 568	3 976	488
ysten	295 960	251 724	41 128	16 766	240 654	197 379	40 422	16 636
c	264 880	223 583	38 480	15 786	211 239	170 896	37 789	15 656
rcent	89.5	88.8	93.6	94.2	87.8	86.6	93.5	94.1
chool	21 423	20 150	1 169	689	20 226	18 964	1 138	689
r private	9 677	7 991	1 499	291	9 189	7 519	1 495	291
tary (1 to 8 years)	2 754 382	2 332 939	396 477	181 962	2 270 226	1 858 066	389 431	180 598
c	2 209 351	1 818 481	368 700	162 044	1 757 250	1 375 188	362 081	160 862
rcent	80.2	77.9	93.0	89.1	77.4	74.0	93.0	89.1
chool	493 403	470 042	21 218	18 315	465 102	441 643	21 142	18 259
r private	51 628	44 416	6 559	1 603	47 874	41 035	6 208	1 477
hool (1 to 4 years)	1 230 600	1 064 834	153 356	59 560	1 030 683	869 147	150 584	59 194
c	1 024 732	871 135	143 134	54 765	835 919	685 689	140 613	54 452
rcent	83.3	81.8	93.3	91.9	81.1	78.9	93.4	92.0
chool	147 432	142 089	4 726	3 482	141 162	135 856	4 694	3 471
r private	57 856	51 610	5 496	1 313	53 602	47 602	5 277	1 271
	659 269	607 963	59 704	9 097	598 373	548 156	39 133	9 006
c	323 525	294 961	22 934	6 162	294 712	266 718	22 632	6 137
rcent	49.1	48.5	57.8	67.7	49.3	48.7	57.8	68.1
ate	335 764	313 002	16 770	2 935	303 661	281 438	16 501	2 869
35 years old and over	86 046	73 383	11 763	2 267	77 021	64 667	11 505	2 334
Total enrolled, 3 to 34 years old	5 031 991	4 334 158	644 891	270 500	4 222 433	3 539 875	633 623	268 523
4 years old	92 604	73 911	17 213	5 131	83 231	64 856	16 993	5 112
6 years old	541 615	455 978	80 020	34 247	447 196	363 203	78 814	34 000
3 years old	2 332 157	1 986 150	325 415	145 774	1 922 120	1 583 609	319 768	144 799
15 years old	659 629	568 387	85 373	36 311	546 900	457 946	83 593	35 989
17 years old	584 310	511 103	67 764	27 689	490 041	418 446	66 555	27 503
19 years old	365 042	306 385	54 063	13 101	318 097	280 417	33 324	12 993
21 years old	188 348	173 385	11 407	3 026	170 779	156 190	11 221	2 960
28 years old	126 336	115 651	8 555	2 111	116 583	106 107	8 465	2 099
34 years old	141 950	123 208	15 081	3 110	127 486	109 101	14 890	3 068
Percent enrolled, 3 to 34 years old	54.8	55.4	50.5	46.8	54.2	55.0	50.6	46.8
4 years old	15.0	14.4	17.8	11.1	16.1	15.6	17.8	11.1
6 years old	81.8	82.5	78.0	72.4	81.8	82.7	77.9	72.3
3 years old	97.4	97.8	95.1	94.7	97.2	97.7	93.2	94.7
15 years old	96.6	97.0	94.1	91.4	96.6	96.9	94.5	91.6
17 years old	91.1	92.0	84.5	77.3	91.0	92.1	84.7	77.4
19 years old	61.4	63.3	47.1	41.5	61.7	64.0	47.2	41.6
21 years old	34.5	37.0	16.5	9.8	35.4	38.3	16.6	9.7
28 years old	15.6	16.5	8.6	4.2	16.4	17.5	8.7	4.3
34 years old	6.3	6.5	4.7	2.2	6.6	6.9	4.7	2.2
S 16 TO 21 YEARS OLD NOT ATTENDING SCHOOL								
Total	275 517	222 453	49 927	23 624	236 453	185 515	48 [illegible]	23 204
gh school graduate	121 352	90 369	29 430	17 785	104 579	75 207	[illegible]	17 424
ercent of all males 16 to 21 years	14.1	12.1	28.6	38.3	14.3	12.1	26.0	38.0
ployed or in Armed Forces	61 634	50 224	10 651	8 588	52 634	41 423	10 484	8 493
mployed or not in labor force	59 718	40 145	18 779	9 197	51 945	33 784	17 443	8 931
school graduate	154 165	132 084	20 497	5 839	131 874	110 308	20 072	5 780
ployed or in Armed Forces	114 596	100 983	12 633	3 642	98 523	83 182	12 419	3 630
employed or not in labor force	39 569	31 101	7 864	2 197	35 351	27 126	7 653	2 150
RS OF SCHOOL COMPLETED								
Male, 25 years old and over	4 817 661	4 295 956	469 062	168 554	4 122 082	3 623 739	458 618	166 624
hool years completed	93 470	80 134	9 502	6 919	85 945	73 217	9 006	6 842
ntary: 1 to 4 years	146 951	114 679	29 427	21 994	135 548	104 237	28 [illegible]8	21 793
5 and 6 years	278 918	227 337	46 213	23 398	249 792	199 705	45 [illegible]5	23 135
7 years	197 044	167 148	27 837	11 733	165 407	136 322	27 [illegible]6	11 536
8 years	605 996	551 161	50 499	23 942	498 605	445 458	49 [illegible]4	23 605
school: 1 to 3 years	948 185	820 195	120 827	42 909	804 984	680 396	118 070	42 480
4 years	1 315 757	1 178 075	129 003	29 896	1 110 195	974 867	127 [illegible]6	29 674
e: 1 to 3 years	491 834	454 672	33 204	5 268	424 211	387 853	32 566	5 146
4 years	348 201	330 799	11 875	1 253	308 579	291 498	11 [illegible]45	1 218
5 years or more	391 305	371 756	10 675	1 242	349 016	330 186	10 382	1 195
e school years completed	12.1	12.2	10.8	8.8	12.1	12.2	10.8	8.8
Female, 25 years old and over	5 600 894	4 942 013	607 897	201 536	4 687 977	4 240 188	600 374	200 492
hool years completed	134 729	118 930	10 947	14 253	127 204	111 763	10 660	14 158
ntary: 1 to 4 years	174 830	140 735	31 030	32 406	166 049	132 530	30 569	32 311
5 and 6 years	321 967	259 105	57 961	32 715	301 257	239 387	57 210	32 655
7 years	209 261	171 799	35 579	13 114	186 827	149 985	35 113	13 058
8 years	743 555	672 721	66 573	25 890	650 983	581 666	65 590	25 784
school: 1 to 3 years	1 077 553	908 218	162 437	43 582	930 450	763 753	160 619	43 345
4 years	1 934 177	1 740 102	183 055	32 884	1 664 366	1 473 028	181 223	32 638
e: 1 to 3 years	505 793	464 063	37 167	4 692	422 771	381 881	36 654	4 596
4 years	301 866	282 826	13 935	1 208	260 816	242 253	13 674	1 178
5 years or more	197 223	183 514	9 213	792	177 254	163 942	9 032	769
e school years completed	12.1	12.1	10.9	8.3	12.0	12.1	10.9	8.3
ENT BY LEVEL OF SCHOOL COMPLETED								
Total persons, 25 years old and over	10 418 555	9 237 969	1 076 959	370 090	9 020 059	7 863 927	1 058 992	367 116
han 5 years of elementary school	5.3	4.9	7.5	20.4	5.7	5.4	7.4	20.5
than 1 year of high school	27.9	27.1	33.9	55.8	28.5	27.6	33.8	55.8
rs of high school or more	52.7	54.2	39.8	20.9	52.3	54.0	39.9	20.8
rs of college or more	11.9	12.7	4.2	1.2	12.1	13.1	4.2	1.2
e school years completed	12.1	12.1	10.8	8.6	12.1	12.1	10.8	8.6
Total persons, 18 to 24 years old	1 950 266	1 685 854	240 476	112 271	1 709 412	1 451 367	235 606	111 230
rs of high school or more	65.6	67.4	53.5	36.1	65.7	67.7	53.9	36.2
rs of college or more	8.3	9.1	2.0	0.7	8.7	9.8	2.0	0.7
CATIONAL TRAINING OF PERSONS 16 TO 64 YEARS OLD								
with less than 15 years of school	4 330 994	3 753 457	534 624	343 504	3 684 967	3 122 839	521 476	337 676
rcent with vocational training	29.6	30.0	27.1	19.4	30.0	30.5	27.2	19.4
e, with less than 15 years of school	5 146 290	4 415 161	682 896	408 821	4 479 637	3 760 661	674 395	404 611
rcent with vocational training	25.2	25.2	25.8	17.2	25.8	25.9	25.9	17.1

BEST COPY AVAILABLE

TABLE 91. Educational Characteristics by Race, for Urban and Rural Residence: 1970

(Data based on sample, see text. For minimum base for derived figures (percent, median, etc.) and meaning of symbols, see text)

The State	Rural nonfarm				Rural farm		
	Total	White	Negro	Persons of Puerto Rican birth or parentage	Total	White	Negro
SCHOOL ENROLLMENT							
Total enrolled, 3 years old and over	723 802	709 120	10 826	1 907	96 781	93 879	708
3 to 34 years old	715 729	701 288	10 629	1 874	93 829	92 995	639
Nursery school	9 236	5 964	173	26	607	607	-
Public	2 809	2 658	140	-	259	259	-
Percent	30.4	29.7	80.9	-	42.7	42.7	-
Parochial	208	208	-	-	5	5	-
Other private	6 219	6 098	33	26	343	343	-
Kindergarten	49 762	48 855	657	109	5 564	5 490	49
Public	48 218	47 338	642	109	5 423	5 349	49
Percent	96.9	96.9	97.7	100.0	97.5	97.4	...
Parochial	1 099	1 088	11	-	98	98	-
Other private	445	429	4	-	43	43	-
Elementary (1 to 8 years)	428 081	419 258	6 679	1 300	56 075	55 615	367
Public	399 320	390 967	6 257	1 126	52 781	52 326	362
Percent	93.3	93.3	93.7	86.6	94.1	94.1	98.6
Parochial	25 308	25 211	71	48	2 993	2 988	5
Other private	3 453	3 080	351	126	301	301	-
High school (1 to 4 years)	172 106	168 719	2 565	360	27 211	26 968	207
Public	162 894	159 764	2 320	307	25 919	25 682	201
Percent	94.6	94.7	90.4	85.3	95.3	95.2	97.1
Parochial	5 521	5 490	26	11	749	743	6
Other private	3 691	3 465	219	42	543	543	-
College	56 544	55 492	555	79	4 372	4 315	16
Public	26 157	25 621	302	25	2 656	2 622	-
Percent	46.3	46.2	54.4	...	60.8	60.8	-
Private	30 387	29 871	253	54	1 716	1 693	16
35 years and over	8 073	7 832	197	33	952	884	61
Total enrolled, 3 to 34 years old	715 729	701 288	10 629	1 874	93 829	92 995	639
3 and 4 years old	8 703	8 391	214	19	670	664	6
5 and 6 years old	84 833	83 294	1 133	213	9 586	9 481	73
7 to 13 years old	362 586	355 449	5 347	924	47 451	47 092	280
14 and 15 years old	97 517	95 332	1 684	316	15 212	15 109	96
16 and 17 years old	81 421	79 963	1 091	186	12 848	12 694	118
18 and 19 years old	41 882	40 979	678	102	5 063	4 989	61
20 and 21 years old	16 185	15 832	206	60	1 384	1 363	-
22 to 24 years old	9 047	8 843	85	12	706	701	5
25 to 34 years old	13 555	13 205	191	42	909	902	-
Percent enrolled, 3 to 34 years old	56.7	56.8	48.8	43.0	61.9	62.0	50.1
3 and 4 years old	9.4	9.3	18.1	10.4	7.0	7.1	4.8
5 and 6 years old	81.9	82.0	60.7	78.6	82.0	82.2	61.3
7 to 13 years old	97.8	97.9	94.8	94.3	98.2	98.4	85.1
14 and 15 years old	96.5	96.9	78.5	74.2	98.2	98.2	88.1
16 and 17 years old	91.3	91.7	69.9	65.3	91.4	91.1	99.9
18 and 19 years old	59.0	59.4	43.9	32.6	58.0	57.7	...
20 and 21 years old	28.4	28.8	12.9	23.7	22.5	22.5	-
22 to 24 years old	10.2	10.2	5.0	2.8	7.9	7.9	...
25 to 34 years old	4.7	4.7	3.8	3.4	3.2	3.2	-
MALES 16 TO 21 YEARS OLD NOT ATTENDING SCHOOL							
Total	34 388	32 307	1 895	611	4 676	4 631	29
Not high school graduate	15 013	13 421	1 485	352	1 760	1 741	14
Percent of all males 16 to 21 years	13.7	12.6	48.4	55.3	11.7	11.7	14.0
Employed or in Armed Forces	7 784	7 599	149	86	1 216	1 202	14
Unemployed or not in labor force	7 229	5 822	1 336	266	544	539	-
High school graduate	19 375	18 886	410	59	2 916	2 890	15
Employed or in Armed Forces	15 563	15 306	204	12	2 510	2 495	10
Unemployed or not in labor force	3 812	3 580	206	47	406	395	5
YEARS OF SCHOOL COMPLETED							
Male, 25 years old and over	602 322	589 818	9 792	1 835	83 257	82 399	652
No school years completed	6 864	6 293	462	69	661	624	34
Elementary: 1 to 4 years	10 052	9 012	860	190	1 551	1 430	99
5 and 6 years	25 088	23 697	1 132	236	4 038	3 935	76
7 years	27 096	26 324	672	184	4 341	4 502	39
8 years	91 323	89 766	1 164	332	16 068	15 937	101
High school: 1 to 3 years	124 703	121 486	2 624	421	18 498	18 313	133
4 years	180 726	178 549	1 751	205	24 836	24 639	136
College: 1 to 3 years	60 478	59 705	617	116	7 145	7 114	21
4 years	36 253	35 946	221	35	3 369	3 355	9
5 years or more	39 739	39 040	289	47	2 550	2 530	4
Median school years completed	12.1	12.1	9.7	8.7	11.4	11.4	8.8
Female, 25 years old and over	631 142	620 817	7 060	947	81 775	81 008	663
No school years completed	6 918	6 572	278	85	607	595	9
Elementary: 1 to 4 years	7 851	7 302	434	90	930	903	27
5 and 6 years	18 561	17 640	707	60	2 149	2 078	44
7 years	19 805	19 219	441	56	2 629	2 595	25
8 years	81 012	79 613	911	93	11 360	11 442	72
High school: 1 to 3 years	130 090	127 668	1 673	209	17 013	16 797	145
4 years	238 494	235 964	1 701	214	31 317	31 110	121
College: 1 to 3 years	73 320	72 524	511	96	9 702	9 658	2
4 years	36 898	36 494	232	30	4 092	4 079	9
5 years or more	18 193	17 821	172	14	1 776	1 751	9
Median school years completed	12.2	12.2	10.4	10.3	12.2	12.2	10.1
PERCENT BY LEVEL OF SCHOOL COMPLETED							
Total persons, 25 years old and over	1 233 464	1 210 635	16 852	2 782	165 032	163 407	1 115
Less than 5 years of elementary school	2.6	2.4	12.1	15.6	2.3	2.2	15.2
Less than 1 year of high school	23.9	23.6	41.9	50.1	27.1	27.0	47.2
4 years of high school or more	55.5	55.8	32.6	27.2	51.4	51.6	27.9
4 years of college or more	10.6	10.7	5.4	4.5	7.1	7.2	2.8
Median school years completed	12.2	12.2	10.0	9.0	12.0	12.0	9.3
Total persons, 18 to 24 years old	217 012	210 944	4 855	988	23 842	23 543	215
4 years of high school or more	65.3	66.0	34.0	21.8	63.7	63.9	38.6
4 years of college or more	5.3	5.3	2.7	-	3.9	3.9	5.6
VOCATIONAL TRAINING OF PERSONS 16 TO 64 YEARS OLD							
Male, with less than 15 years of school	565 127	549 977	12 543	5 602	80 910	80 148	605
Percent with vocational training	27.4	27.5	22.4	22.8	24.9	24.8	28.9
Female, with less than 15 years of school	591 977	560 730	7 791	3 979	74 676	73 770	718
Percent with vocational training	21.1	21.1	17.8	20.8	19.9	19.8	29.4

Table 75. Years of School Completed of Persons 25 Years Old and Over by Race and Sex: 1940 to 1970

[Data for racial groups in 1950 and all data for 1940 exclude Alaska and Hawaii. Data based on sample; see text. For minimum base for derived figures (percent, median, etc.) and meaning of symbols, see text]

United States
Urban and Rural, 1970

	Total, 25 years old and over	Years of school completed								Median school years completed
		Elementary				High school		College		
		None	1 to 4	5 and 6	7	8	1 to 3	4	1 to 3	4 or more	
TOTAL											
1970	109 899 359	1 767 753	4 271 561	6 217 092	4 815 620	14 015 364	21 285 922	34 158 051	11 650 730	11 717 266	12.1
Male	51 869 770	652 851	2 299 323	3 082 912	2 392 567	6 708 041	9 633 537	14 365 218	5 526 759	7 008 562	12.1
Female	58 029 589	914 902	1 972 238	3 134 180	2 423 053	7 307 323	11 652 385	19 792 833	6 123 971	4 708 704	12.1
Urban	81 034 450	1 267 897	2 754 561	4 277 070	3 172 642	9 247 598	15 582 552	25 617 221	9 318 338	9 796 171	12.2
Male	37 699 856	575 322	1 393 233	2 036 702	1 529 467	4 220 983	7 000 745	10 546 743	4 482 756	5 913 885	12.2
Female	43 334 594	692 575	1 361 328	2 240 368	1 643 355	5 026 615	8 581 807	15 070 478	4 835 582	3 882 286	12.1
Rural nonfarm	24 124 469	443 155	1 301 842	1 643 167	1 365 900	3 728 554	4 874 365	7 098 444	1 960 466	1 708 561	11.2
Male	11 762 199	243 635	765 084	870 412	704 242	1 897 153	2 234 528	3 153 121	899 033	954 991	10.9
Female	12 362 270	199 520	536 758	772 740	661 658	1 831 401	2 639 857	3 945 323	1 061 433	713 570	11.5
Rural farm	4 740 440	56 701	215 158	296 660	276 878	1 039 212	828 985	1 442 386	371 926	212 534	10.8
Male	2 407 715	33 894	141 006	175 798	158 838	589 905	398 264	665 354	144 970	99 686	9.8
Female	2 332 725	22 807	74 152	120 862	118 040	449 307	430 721	777 032	226 956	112 848	11.7
1960	99 438 084	2 274 813	6 027 769	7 422 630	6 331 197	17 442 933	19 115 915	24 455 484	8 742 070	7 625 273	10.6
Male	47 930 513	1 165 079	3 341 100	3 759 521	3 259 486	8 516 220	8 973 036	10 154 325	4 122 689	4 638 957	10.2
Female	51 507 571	1 109 734	2 686 669	3 663 109	3 071 711	8 926 613	10 142 879	14 301 159	4 619 381	2 986 316	10.9
1950[1]	87 884 631	2 214 822	7 307 663	8 006 409	6 001 072	17 783 394	14 904 478	17 745 308	6 282 595	5 304 337	9.3
Male	42 866 595	1 129 123	3 971 706	4 046 497	3 001 072	8 859 554	7 033 540	7 558 264	2 913 800	3 038 251	9.0
Female	45 018 036	1 085 699	3 335 957	3 959 912	3 000 000	8 923 840	7 870 938	10 187 044	3 368 795	2 266 086	9.6
1940[1]	74 775 836	2 799 923	7 304 669	8 515 111	5 141 035	20 756 918	11 181 995	10 551 682	4 075 184	3 407 331	8.6
Male	37 3 087	1 471 290	4 079 100	4 399 910	2 607 902	10 631 478	5 332 803	4 507 244	1 823 981	2 021 228	8.6
Female	37 2 749	1 328 633	3 225 569	4 115 201	2 533 133	10 125 440	5 849 192	6 044 436	2 251 203	1 386 103	8.7
WHITE											
1970	98 245 635	1 354 431	3 021 860	4 913 146	4 040 115	12 814 399	18 517 629	31 617 691	10 903 616	11 062 728	12.1
Male	46 527 222	633 122	1 609 159	2 456 220	2 046 816	6 175 370	8 462 196	13 272 817	5 174 668	6 696 854	12.1
Female	51 718 413	721 309	1 412 721	2 456 926	1 993 299	6 639 029	10 055 433	18 344 874	5 728 948	4 365 874	12.1
Urban	71 471 543	998 856	1 919 775	3 308 385	2 590 720	8 282 635	13 210 667	23 332 555	8 627 957	9 199 993	12.2
Male	33 362 905	437 326	945 976	1 573 516	1 268 430	3 792 115	5 994 824	9 567 783	4 157 050	5 625 885	12.3
Female	38 108 638	561 530	973 799	1 734 869	1 322 290	4 490 520	7 215 843	13 764 772	4 470 907	3 574 108	12.2
Rural nonfarm	22 263 256	314 798	937 275	1 349 730	1 196 051	3 520 599	4 514 398	6 865 481	1 909 138	1 655 586	11.5
Male	10 870 076	171 465	554 684	728 159	629 651	1 805 695	2 063 266	3 049 064	874 935	973 157	11.2
Female	11 393 180	143 333	382 591	621 571	566 400	1 714 904	2 431 332	3 816 417	1 034 203	682 429	11.8
Rural farm	4 510 836	40 777	164 810	255 031	253 344	1 011 165	792 364	1 419 655	366 521	207 149	11.8
Male	2 294 241	24 331	108 499	154 545	148 735	577 560	384 106	655 970	142 683	97 812	10.0
Female	2 216 595	16 446	56 331	100 486	104 609	433 605	408 258	763 685	223 838	109 337	11.5
1960	89 581 174	1 720 154	4 268 575	5 987 285	5 463 621	16 179 146	17 273 976	23 099 636	8 310 937	7 277 844	10.9
Male	43 258 756	849 061	2 363 360	3 076 490	2 869 054	7 941 872	8 177 224	9 587 939	3 918 069	4 475 647	10.2
Female	46 322 418	871 073	1 905 195	2 910 795	2 594 567	8 237 274	9 096 752	13 511 697	4 392 868	2 802 197	11.2
1950[1]	79 338 785	1 650 010	5 234 240	6 481 100	5 210 965	16 769 940	13 738 320	17 004 570	6 019 935	5 107 960	9.2
Male	38 683 835	810 550	2 848 725	3 323 160	2 646 880	8 396 060	6 518 915	7 226 740	2 792 970	2 946 275	9.2
Female	40 654 950	839 460	2 385 515	3 157 940	2 564 085	8 373 880	7 219 405	9 777 830	3 226 965	2 161 685	10.0
1940[1]	67 999 523	2 099 995	5 227 119	7 082 235	4 580 131	19 966 762	10 603 592	10 255 333	3 948 681	3 319 785	8.7
Male	34 113 972	1 066 888	2 941 618	3 725 114	2 360 797	10 258 382	5 089 656	4 361 386	1 769 814	1 975 295	8.7
Female	33 885 551	1 013 107	2 274 301	3 357 121	2 219 334	9 708 380	5 513 936	5 873 947	2 178 867	1 344 490	8.8
NEGRO AND OTHER RACES											
1970	11 653 724	413 322	1 249 681	1 303 946	775 505	1 200 985	2 768 293	2 540 360	747 114	654 538	10.9
Male	5 342 548	219 729	690 164	626 692	345 751	522 671	1 171 341	1 092 42[illegible]	352 091	311 708	9.1
Female	6 311 176	193 593	559 517	677 254	429 754	668 294	1 596 952	1 447 959	395 023	342 830	10.1
Urban	9 562 907	269 041	804 786	968 885	582 122	964 963	2 371 885	2 284 [illegible]	690 381	596 178	10.1
Male	4 336 951	137 996	447 257	463 186	261 057	428 868	1 005 921	978 [illegible]	325 706	268 000	10.1
Female	5 225 956	131 045	387 559	505 699	321 065	536 095	1 365 964	1 305 706	364 675	308 178	10.1
Rural nonfarm	1 861 213	128 357	364 567	293 432	169 849	207 955	359 787	232 963	88 628	52 975	7.7
Male	892 123	72 170	210 400	142 253	74 591	91 468	151 262	104 057	24 098	21 834	7.8
Female	969 090	56 187	154 167	151 179	95 258	116 497	208 525	128 906	27 230	31 141	7.7
Rural farm	229 604	15 924	50 328	41 629	23 534	28 047	36 621	22 731	5 405	5 385	6.4
Male	113 474	9 563	32 507	21 253	10 103	12 545	14 158	9 384	2 287	1 874	8.1
Female	116 130	6 361	17 821	20 376	13 431	15 502	22 463	13 347	3 118	3 511	8.1
1960	9 856 910	554 659	1 759 194	1 435 345	867 576	1 263 787	1 841 939	1 355 848	431 133	347 429	8.1
Male	4 671 757	315 998	977 720	683 031	390 432	574 448	795 812	566 386	204 620	163 310	7.2
Female	5 185 153	238 651	781 474	752 314	477 144	689 339	1 046 127	789 462	226 513	184 119	8.1
1950[1]	8 144 695	534 150	2 027 470	1 461 025	757 610	936 335	1 062 235	658 975	238 840	176 620	6.4
Male	3 944 515	299 175	1 094 525	687 720	336 365	426 315	457 565	284 030	109 850	80 550	6.3
Female	4 200 180	234 975	932 945	773 305	421 245	510 020	604 670	374 945	128 990	96 070	7.1
1940[1]	6 776 313	699 928	2 082 570	1 432 876	560 904	790 156	578 403	296 347	126 503	87 546	5.7
Male	3 349 115	384 402	1 131 282	674 796	247 105	373 096	243 147	125 658	54 167	45 933	5.3
Female	3 427 198	315 526	951 288	758 080	313 799	417 060	335 256	170 489	2 336	41 613	6.1
NEGRO											
1970	10 375 093	338 780	1 174 374	1 209 614	730 036	1 089 211	2 571 500	2 196 611	609 008	455 959	9.4
Male	4 713 703	185 252	648 479	580 361	322 241	478 444	1 078 331	941 [illegible]	283 422	195 764	10.0
Female	5 661 390	153 528	525 895	629 253	407 795	610 767	1 493 169	1 255 20[illegible]	325 586	260 195	10.0
Urban	8 558 959	223 962	787 934	903 353	552 248	889 207	2 226 729	1 998 21[illegible]	567 696	409 614	10.0
Male	3 845 275	118 460	422 646	431 607	245 507	392 783	936 886	854 143	264 629	176 814	10.0
Female	4 713 684	105 502	365 288	471 746	306 941	496 424	1 289 843	1 144 07[illegible]	303 067	230 800	10.0
Rural nonfarm	1 619 118	103 161	338 891	268 038	156 008	176 556	313 678	183 06[illegible]	37 794	41 931	7.7
Male	771 948	59 381	195 228	129 364	67 782	75 804	129 939	81 414	17 385	15 651	7.8
Female	847 170	43 780	143 663	138 674	88 226	100 752	183 739	101 647	20 409	26 280	7.7
Rural farm	197 016	11 657	47 549	38 223	21 780	23 448	31 093	15 334	3 518	4 414	6.4
Male	96 480	7 411	30 605	19 390	9 152	9 857	11 506	5 852	1 408	1 299	8.1
Female	100 536	4 246	16 944	18 833	12 628	13 591	19 587	9 482	2 110	3 115	7.1
1960	9 053 945	472 181	1 681 584	1 365 092	828 444	1 166 103	1 722 251	1 168 842	371 577	277 871	8.1
Male	4 240 021	269 599	929 907	645 506	368 490	523 302	733 169	480 213	172 058	117 777	7.1
Female	4 813 924	202 582	751 677	719 586	459 954	642 801	989 082	688 629	199 519	160 094	8.1
1950[1]	7 797 030	490 080	1 992 240	2 173 060		892 980	1 017 030	595 260	218 490	161 040	6.4
Male	3 729 270	275 040	1 069 290	987 030		400 200	430 440	252 810	97 590	69 240	6.3
Female	4 067 760	215 040	922 950	1 186 050		492 780	586 590	342 450	120 900	91 800	6.4

[1]Total includes persons not reporting on years of school completed.

United States

	United States							
	Total	White	Negro	Persons of Spanish heritage	Total	White	Negro	Persons of Spanish heritage
SCHOOL ENROLLMENT								
Total enrolled, 3 years old and over	59 458 108	51 203 326	7 414 145	3 167 719	43 991 087	37 279 858	5 991 676	2 778 670
3 to 34 years old	58 636 996	50 504 385	7 303 289	3 130 359	43 320 201	36 816 732	5 894 202	2 737 176
Nursery school	953 212	805 005	127 825	51 647	828 105	693 160	118 701	46 560
Public	303 279	214 419	79 855	27 462	251 948	173 514	72 773	24 377
Percent	31.8	26.6	62.5	53.6	30.4	25.0	61.3	52.3
Parochial	45 613	40 157	3 797	2 749	41 603	37 013	3 493	2 547
Other private	605 320	550 429	44 173	20 906	534 554	482 613	42 335	19 664
Kindergarten	3 024 948	2 621 049	356 115	188 612	2 334 232	1 979 242	320 864	168 278
Public	2 544 469	2 185 666	316 277	163 941	1 937 651	1 622 248	285 257	145 593
Percent	84.1	83.4	89.0	86.9	83.0	82.0	88.9	86.5
Parochial	139 690	128 552	9 416	9 528	124 024	113 882	8 854	9 022
Other private	340 389	306 831	29 922	15 143	272 557	243 092	26 753	13 663
Elementary (1 to 8 years)	33 210 219	28 160 356	4 615 603	1 969 066	23 620 953	19 668 685	3 657 275	1 705 632
Public	29 375 178	24 527 220	4 449 882	1 779 318	20 266 489	16 517 913	3 500 816	1 524 755
Percent	88.5	87.1	96.4	90.4	85.9	84.0	95.7	89.4
Parochial	3 371 239	3 218 491	128 306	166 559	2 971 525	2 828 485	123 683	160 328
Other private	463 802	414 645	37 435	23 189	362 939	322 287	32 726	20 549
High school (1 to 4 years)	14 480 634	12 524 745	1 772 979	699 023	10 401 625	8 867 094	1 404 599	609 439
Public	13 063 465	11 190 270	1 706 190	642 097	9 149 050	7 667 627	1 343 035	555 450
Percent	90.2	89.3	96.2	91.9	88.0	86.7	95.7	91.1
Parochial	989 018	946 833	34 978	38 305	903 175	863 811	33 792	37 178
Other private	428 151	387 642	31 811	18 621	349 401	315 656	27 272	16 811
College	6 966 033	6 393 230	430 747	222 611	6 135 285	5 608 571	393 313	207 233
Public	4 626 053	4 233 942	268 250	171 306	4 055 859	3 697 045	261 424	159 564
Percent	66.4	66.2	66.9	77.0	66.1	65.9	66.5	77.0
Private	2 339 980	2 159 288	142 497	51 305	2 079 426	1 911 526	131 889	47 669
Percent	823 112	699 441	110 856	37 360	670 886	563 126	96 874	33 500
35 years old and over								
Total enrolled, 3 to 34 years old	58 634 996	50 504 385	7 303 289	3 130 359	43 320 201	36 816 732	5 894 202	2 737 176
3 and 4 years old	879 216	715 484	144 408	53 649	753 299	607 555	131 238	49 059
5 and 6 years old	5 630 803	4 808 583	736 710	349 210	4 240 340	3 548 007	630 750	309 427
7 to 13 years old	28 122 578	24 002 184	3 756 876	1 613 305	20 064 121	16 807 808	3 005 951	1 401 871
14 and 15 years old	7 973 102	6 829 567	1 044 071	413 654	5 653 641	4 769 481	815 453	357 566
16 and 17 years old	6 971 465	6 041 267	844 458	335 558	4 982 518	4 268 904	653 437	289 797
18 and 19 years old	4 117 303	3 635 761	421 360	176 763	3 289 213	2 901 489	338 979	155 398
20 and 21 years old	2 043 483	1 862 454	140 026	63 583	1 800 461	1 641 788	121 155	58 029
22 to 24 years old	1 382 202	1 265 634	86 222	49 926	1 250 402	1 124 112	78 006	46 525
25 to 34 years old	1 514 844	1 343 451	129 138	74 711	1 366 206	1 147 568	119 233	69 478
Percent enrolled, 3 to 34 years old								
3 and 4 years old	54.3	54.2	54.4	52.5	54.8	54.8	54.1	52.3
5 and 6 years old	12.5	12.1	14.4	11.4	14.8	14.5	16.0	11.9
7 to 13 years old	72.4	73.1	67.8	70.0	76.1	76.8	72.0	71.3
14 and 15 years old	97.3	97.5	95.8	96.4	97.6	97.8	96.1	96.5
16 and 17 years old	95.9	96.3	93.7	93.9	96.5	96.9	94.2	94.2
18 and 19 years old	89.3	90.1	84.3	83.2	90.1	90.9	85.2	83.6
20 and 21 years old	56.6	57.7	47.7	49.4	58.6	60.0	48.0	49.7
22 to 24 years old	30.7	32.2	18.2	19.1	33.9	35.8	18.9	19.6
25 to 34 years old	14.6	15.2	8.8	10.3	16.7	17.5	9.4	10.7
	6.1	6.2	4.9	5.7	7.1	7.2	5.2	6.0
MALES 16 TO 21 YEARS OLD NOT ATTENDING SCHOOL								
Total	3 971 825	3 316 665	603 579	230 023	2 916 753	2 406 559	473 549	197 224
Not high school graduate	1 642 609	1 274 566	344 670	138 653	1 137 955	871 364	252 015	116 759
Percent of all males 16 to 21 years	15.2	13.6	26.8	26.1	14.1	12.5	25.1	25.4
Employed or in Armed Forces	1 020 953	837 482	171 212	88 995	723 372	588 875	125 667	75 499
Unemployed or not in labor force	621 656	437 084	173 458	49 658	414 583	282 489	126 348	41 260
High school graduate	2 329 216	2 042 099	258 909	91 370	1 776 798	1 522 195	219 534	80 625
Employed or in Armed Forces	1 923 340	1 716 159	186 292	72 544	1 473 715	1 296 185	158 450	64 196
Unemployed or not in labor force	405 876	325 940	72 617	18 826	303 083	227 010	61 084	16 429
YEARS OF SCHOOL COMPLETED								
Males, 25 years old and over	51 869 770	46 527 222	4 713 703	1 923 411	37 699 856	33 362 905	3 845 273	1 684 580
No school years completed	852 851	633 122	185 252	127 398	575 322	437 326	118 460	99 750
Elementary: 1 to 4 years	2 299 323	1 609 159	648 479	224 383	1 393 233	945 976	422 646	180 041
5 and 6 years	3 082 912	2 456 220	580 361	220 675	2 036 702	1 573 516	431 607	191 331
7 years	2 392 567	2 046 816	322 241	92 637	1 529 487	1 288 430	245 307	79 928
8 years	6 708 041	6 175 370	478 444	192 108	4 220 983	3 792 115	392 783	167 559
High school: 1 to 3 years	9 633 537	8 462 196	1 078 331	336 704	7 000 745	5 964 824	936 866	303 693
4 years	14 365 218	13 272 817	941 409	402 322	10 546 743	9 567 780	854 143	365 190
College: 1 to 3 years	5 526 759	5 174 668	283 422	177 294	4 482 756	4 157 050	264 629	162 507
4 years	3 518 159	3 367 827	103 756	68 174	2 939 060	2 801 245	93 948	61 879
5 years or more	3 490 403	3 329 027	92 008	61 716	2 974 825	2 854 640	84 866	74 702
Median school years completed	12.1	12.1	9.4	9.9	12.2	12.3	10.0	10.2
Females, 25 years old and over	58 029 589	51 718 413	5 661 390	2 014 238	43 334 594	38 108 638	4 713 684	1 794 379
No school years completed	914 902	721 309	153 528	151 984	692 575	561 530	105 502	127 402
Elementary: 1 to 4 years	1 972 238	1 412 721	525 895	242 340	1 361 328	970 799	365 288	206 763
5 and 6 years	3 134 180	2 456 926	629 253	256 270	2 240 568	1 734 869	471 746	232 319
7 years	2 423 053	1 993 299	407 795	100 403	1 643 355	1 322 290	306 941	87 716
8 years	7 307 323	6 639 029	610 767	210 454	5 026 615	4 490 520	496 424	187 212
High school: 1 to 3 years	11 652 385	10 055 433	1 493 169	361 666	8 581 807	7 215 843	1 289 843	327 753
4 years	19 792 833	18 344 874	1 255 202	465 502	15 070 478	13 764 772	1 144 073	423 662
College: 1 to 3 years	6 123 971	5 728 948	325 586	135 690	4 835 582	4 470 907	303 067	122 906
4 years	3 139 445	2 928 136	166 215	53 045	2 548 290	2 361 274	144 947	47 523
5 years or more	1 569 259	1 437 738	93 980	33 864	1 333 996	1 212 834	85 853	31 122
Median school years completed	12.1	12.1	10.0	9.4	12.1	12.2	10.4	9.5
PERCENT BY LEVEL OF SCHOOL COMPLETED								
Total persons, 25 years old and over	109 899 359	98 245 635	10 375 093	3 937 649	81 034 450	71 471 843	8 558 959	3 478 958
Less than 5 years of elementary school	5.5	4.5	14.6	18.9	5.0	4.1	11.8	17.6
Less than 1 year of high school	28.3	26.6	43.8	46.3	25.6	23.9	39.2	44.8
4 years of high school or more	52.3	54.5	31.4	36.0	55.2	57.6	34.8	37.0
4 years of college or more	10.7	11.3	4.4	6.0	12.1	12.9	4.8	6.3
Median school years completed	12.1	12.1	9.8	9.6	12.2	12.2	10.2	9.9
Total persons, 18 to 24 years old	23 383 006	20 415 485	2 638 072	1 175 318	18 300 313	15 861 656	2 175 436	1 041 346
4 years of high school or 1 to 3 years of college	66.5	68.3	53.2	49.2	68.4	70.1	56.2	50.4
4 years of college or more	6.2	6.7	2.0	2.3	6.9	7.5	2.2	2.4
VOCATIONAL TRAINING OF PERSONS 16 TO 64 YEARS OLD								
Males, with less than 13 years of school	49 946 264	43 848 349	5 486 499	2 282 019	26 005 850	31 100 443	4 445 890	1 981 249
Percent with vocational training	29.7	29.3	23.2	20.9	30.8	31.5	25.6	21.8
Females, with less than 13 years of school	55 896 756	48 905 629	6 318 135	2 508 608	41 538 451	35 762 396	5 260 371	2 213 318
Percent with vocational training	21.9	22.0	21.0	16.7	23.9	23.9	23.3	17.4

120. Educational and Family Characteristics for Counties: [illegible]

(Data based on sample, see text. For minimum base for derived figures (percent, median, etc.) and meaning of symbols, see text)

Counties	Jefferson	Kings	Lewis	Livingston	Madison	Monroe	Montgomery	Nassau	New York	Niagara
SCHOOL ENROLLMENT										
Total enrolled, 3 to 34 years old	24 845	659 758	7 499	17 090	21 171	212 148	16 328	468 477	311 807	72 353
Nursery school	149	9 529	69	295	271	5 200	172	11 692	9 988	878
Public	62	4 319	51	115	45	1 403	131	1 902	3 866	277
Kindergarten	1 948	35 925	534	1 203	1 389	13 791	830	23 762	14 858	4 503
Public	1 827	30 857	510	1 107	1 358	12 509	811	22 303	11 469	4 118
Elementary (1 to 8 years)	14 868	371 629	4 514	8 387	10 733	114 576	7 994	246 452	151 538	41 201
Public	13 128	282 345	4 211	7 953	10 357	90 565	7 212	197 724	111 840	35 841
High school (1 to 4 years)	6 597	162 856	2 193	3 541	4 406	48 224	4 053	130 850	67 693	18 741
Public	6 032	131 341	2 186	3 486	4 301	39 172	3 460	114 263	49 827	16 474
College	1 283	79 769	189	3 654	4 372	30 357	1 279	55 701	67 726	7 030
Percent enrolled, 3 to 34 years old	54 9	50 3	58 9	56 7	59 8	55 8	57 7	65 5	44 2	59 2
3 and 4 years old	6 0	13 8	3 8	11 2	9 1	16 9	11 2	23 4	28 4	10 1
5 and 6 years old	81 2	77 1	84 1	84 2	83 2	84 2	82 9	86 8	78 9	82 9
7 to 13 years old	94 6	96 0	94 7	95 7	98 5	98 0	99 0	99 0	95 6	99 2
14 and 15 years old	98 2	94 7	99 9	91 5	98 0	97 2	98 3	99 4	93 6	97 2
16 and 17 years old	90 1	87 7	88 0	88 8	88 8	93 7	92 9	96 0	87 8	96 1
18 and 19 years old	50 9	53 4	52 9	67 2	79 2	63 2	56 8	70 0	56 4	61 2
20 and 21 years old	12 9	26 7	19 3	54 9	50 8	37 9	27 6	45 0	33 9	32 6
22 to 24 years old	7 4	14 3	0 7	20 0	12 5	17 0	13 1	19 2	20 8	12 6
25 to 34 years old	2 7	5 6	2 1	7 0	3 8	7 3	3 2	6 4	9 0	5 3
YEARS OF SCHOOL COMPLETED										
Male, 25 years old and over	22 032	672 859	5 840	13 361	14 790	180 291	15 588	370 219	470 904	60 364
No school years completed	154	23 738	30	668	120	2 347	301	3 754	11 680	863
Elementary: 1 to 4 years	312	32 155	117	225	237	4 609	489	5 389	21 616	1 831
5 to 7 years	1 858	91 050	726	1 209	1 384	14 218	1 964	19 599	53 616	6 107
8 years	3 553	94 649	1 217	1 609	1 912	18 159	2 500	33 045	47 717	7 742
High school: 1 to 3 years	5 044	144 900	1 343	2 997	3 415	35 164	3 586	62 477	74 067	13 893
4 years	7 133	170 550	1 724	3 705	4 366	49 717	4 611	109 519	96 287	18 489
College: 1 to 3 years	2 021	53 668	359	1 293	1 522	22 023	1 058	41 706	47 001	5 595
4 years or more	1 957	62 149	324	1 455	1 834	34 054	1 079	84 726	119 120	5 844
Median school years completed	12 0	11 0	10 9	11 8	12 1	12 3	11 1	12 6	12 3	11 9
Percent high school graduates	50 4	42 6	41 2	48 3	52 2	58 7	43 3	66 4	55 7	49 6
Female, 25 years old and over	25 824	818 013	6 199	14 363	15 965	204 676	18 218	423 529	560 876	67 287
No school years completed	133	36 394	46	719	152	2 838	512	6 210	16 810	1 010
Elementary: 1 to 4 years	281	40 958	41	155	160	5 019	623	6 164	28 173	1 722
5 to 7 years	1 661	112 307	451	842	928	15 953	2 068	22 841	64 745	6 253
8 years	3 595	128 422	1 071	1 490	1 685	22 858	2 868	45 186	61 545	7 698
High school: 1 to 3 years	5 699	122 520	1 393	3 127	3 669	41 150	3 726	66 875	88 329	16 074
4 years	9 785	246 902	2 111	4 859	5 894	71 050	6 117	179 409	144 875	24 965
College: 1 to 3 years	3 086	43 530	648	1 779	2 042	24 033	1 403	46 806	61 933	5 744
4 years or more	1 584	36 980	438	1 392	1 435	21 775	901	50 034	94 466	3 821
Median school years completed	12 2	10 6	12 0	12 2	12 2	12 2	11 4	12 4	12 1	12 0
Percent high school graduates	56 0	40 0	51 6	55 9	58 7	57 1	46 2	65 2	58 7	51 3
YEARS OF SCHOOL COMPLETED FOR SELECTED AGE GROUPS										
Male, 20 to 49 years old	13 903	448 507	3 707	9 082	11 130	129 954	8 569	248 252	319 278	40 083
No high school	1 707	83 246	567	994	1 401	11 658	973	14 453	50 970	5 086
High school, 1 to 3 years	2 958	105 091	905	1 992	2 174	21 399	1 921	35 077	53 264	8 416
High school, 4 years	6 122	147 707	1 645	3 290	3 840	42 722	3 732	83 808	73 619	15 876
College, 1 year or more	3 116	112 463	590	2 811	3 715	54 175	1 943	114 914	141 426	10 705
Female, 15 to 44 years old	16 303	549 588	4 309	11 638	12 509	151 007	9 812	298 306	252 627	46 847
No high school	1 440	95 359	409	794	942	12 290	757	17 251	53 410	3 951
High school, 1 to 3 years	5 116	168 918	1 586	2 925	3 749	37 709	2 855	76 061	74 280	14 560
High school, 4 years	7 066	204 127	1 600	4 492	4 943	57 860	4 406	124 664	92 606	19 741
College, 1 year or more	2 681	81 184	514	3 427	2 875	43 148	1 794	80 330	122 331	8 595
FAMILY COMPOSITION										
Families	21 966	685 528	5 508	12 395	14 549	176 627	14 765	339 438	359 640	50 701
With own children under 3 years	3 623	105 909	982	2 339	2 717	30 820	1 758	42 995	43 878	9 417
With own children under 6 years	6 216	174 087	1 627	3 817	4 492	50 602	2 931	79 243	74 185	15 592
With own children under 12 years	9 387	273 703	2 514	5 645	6 798	78 433	4 638	150 031	120 372	25 630
With own children under 18 years	12 116	354 726	3 215	7 116	8 582	99 807	6 908	215 434	155 913	33 912
With sons/daughters under 25 years	15 332	416 027	3 467	7 637	9 363	111 195	8 064	249 608	180 615	38 054
With sons/daughters 13 to 19 years	6 465	178 108	1 834	3 389	4 245	49 065	4 159	136 319	72 068	18 833
With sons/daughters 18 to 24 years	3 009	122 173	773	1 591	2 146	26 002	2 473	79 988	46 093	10 567
Subfamilies	549	15 060	141	311	368	3 723	336	9 323	7 481	1 210
Number of own children under 18 years	627	15 690	216	328	271	3 850	322	8 028	8 208	1 351
Husband-wife subfamilies	247	7 017	82	151	164	2 017	192	6 465	2 857	653
Number of own children under 18 years	167	3 927	115	118	116	1 385	97	3 914	1 547	503
Subfamilies with female head	270	7 577	51	148	74	1 591	128	2 434	4 199	539
Number of own children under 18 years	414	11 111	85	180	133	2 306	204	3 732	6 113	805
Married couples	19 125	535 438	4 825	11 140	13 026	156 279	12 762	330 099	368 131	83 905
Percent in subfamilies	1 3	1 3	1 7	1 4	1 3	1 3	1 5	2 0	1 1	1 2
With own children under 6 years	5 701	137 112	1 570	3 664	4 214	46 838	2 740	76 956	56 993	14 415
With own children under 18 years	10 621	273 704	2 949	6 544	7 800	90 160	6 267	201 915	112 243	30 458
With husband under 45 years	8 684	244 243	2 276	5 752	6 514	79 362	4 875	138 034	122 869	24 301
Total under 18 years old	32 281	819 734	9 656	18 450	22 890	266 355	17 033	498 269	532 881	84 650
Living with both parents	27 151	576 257	8 369	15 668	20 132	211 287	14 912	452 077	216 975	73 051
Percent of total	84 1	70 3	86 7	86 0	88 0	86 5	87 5	90 7	65 2	86 9
CHILDREN EVER BORN										
Women, 35 to 44 years old, ever married	4 373	139 737	1 250	2 427	3 155	37 879	2 890	101 663	79 384	18 479
Children ever born	15 370	391 531	5 471	8 092	11 242	116 720	8 973	285 502	173 196	43 093
Per 1,000 women ever married	3 515	2 802	4 377	3 334	3 563	3 081	3 105	2 610	2 182	3 198
TYPE OF GROUP QUARTERS										
Persons, in group quarters	1 168	33 939	166	6 907	3 766	19 380	798	15 446	42 765	3 126
Inmate of mental hospital	5	2 894	-	27	11	2 851	-	116	3 612	-
Inmate of home for the aged	378	7 424	97	273	226	3 510	430	3 913	4 825	952
Inmate of other institution	257	906	-	1 838	141	1 031	10	1 267	5 543	227
In rooming house	180	2 791	57	95	146	1 281	115	3 094	6 518	614
In military barracks	72	1 846	-	-	-	-	-	701	2 172	201
In college dormitory	10	904	-	2 487	3 223	8 888	-	3 965	8 650	780
Other	266	6 174	12	187	19	1 819	243	2 390	11 445	352

PLACE OF BIRTH										
Total, native	378	1 010	910	654 943	924	51 926	65 [illegible]	379 721	9 842	7 873
Foreign born	6	15	23	73 049	11	728	2 738	31 034	59	115
Native	373	1 025	887	576 939	913	51 198	62 935	348 697	9 784	7 760
Born in State of residence	[illegible]	[illegible]	[illegible]	[illegible]	490	22 309	30 491	179 075	5 063	3 [illegible]
Born in different State	[illegible]	[illegible]	[illegible]	[illegible]	342	21 733	24 645	142 753	3 782	3 51
Northeast	[illegible]	[illegible]	[illegible]	[illegible]	24	726	1 465	7 745	84	24
North Central	[illegible]	[illegible]	[illegible]	[illegible]	23	957	817	4 416	100	24
South	72	445	230	143 276	290	19 943	22 204	99 672	3 525	2 [illegible]
West	[illegible]	[illegible]	[illegible]	[illegible]	7	107	159	920	63	[illegible]
Born abroad of native parents	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	266	481	13 836	23	[illegible]
State of birth not reported	4	59	43	51 729	81	6 890	7 338	43 033	616	48
RESIDENCE IN 1965										
Total population, 5 years old and over	305	903	814	576 724	761	44 328	57 939	350 160	8 426	6 787
Same house	198	317	428	291 036	364	15 395	29 521	210 [illegible]	4 253	2 [illegible]
Different house in United States	85	500	338	203 448	304	22 398	22 085	93 [illegible]	3 380	4 072
Same county	52	255	160	159 255	99	15 964	11 926	51 613	2 888	2 552
Different county	33	245	176	42 243	205	6 434	10 109	41 658	492	1 450
Same State	15	123	176	26 465	137	1 312	6 931	31 733	52	54
Different State	18	122	-	15 778	68	5 122	3 178	9 925	440	909
Northeast	7	6	-	1 688	-	431	347	1 708	40	166
North Central	-	-	-	1 198	12	368	214	1 099	56	270
South	11	106	-	12 368	53	4 212	2 465	6 726	334	355
West	-	16	-	524	3	111	152	482	10	188
Abroad	-	10	-	36 712	9	528	1 277	11 835	60	231
Moved, 1965 residence not reported	22	70	50	47 476	84	6 007	5 056	34 404	733	532
SCHOOL ENROLLMENT										
Total enrolled, 3 to 34 years old	160	325	362	203 608	203	17 494	20 837	91 587	3 810	2 725
Nursery school	-	3	-	3 566	-	498	722	2 585	121	46
Public	-	3	-	2 572	-	378	421	1 858	117	38
Kindergarten	23	24	22	13 259	10	1 437	1 627	4 882	190	192
Public	18	24	22	12 560	10	1 370	1 518	4 421	159	187
Elementary (1 to 8 years)	71	221	130	126 823	104	11 438	12 686	53 607	2 311	1 843
Public	65	221	130	118 813	104	10 777	11 871	48 762	2 204	1 791
High school (1 to 4 years)	66	63	205	48 008	71	3 356	4 519	23 018	1 029	506
Public	54	54	200	45 233	71	3 143	4 287	21 048	1 025	481
College	-	14	5	10 952	18	765	1 283	7 495	159	195
Percent enrolled, 3 to 34 years old	77.3	56.6	61.1	49.6	41.3	50.6	53.4	47.8	62.5	53.5
3 and 4 years old	...	...	-	15.7	-	15.9	24.7	23.7	23.2	12.9
5 and 6 years old	...	...	...	77.3	...	83.0	83.6	74.5	75.2	82.1
7 to 13 years old	...	99.9	94.0	94.7	...	92.3	94.7	95.2	96.6	94.6
14 and 15 years old	...	...	...	94.3	...	98.3	.7	92.6	99.9	93.6
16 and 17 years old	...	...	99.9	84.9	...	81.9	85.2	83.9	99.9	79.6
18 and 19 years old	...	...	...	45.8	...	43.4	49.2	46.1	48.6	53.5
20 and 21 years old	-	-	-	14.6	-	12.6	19.9	18.7	20.3	16.9
22 to 24 years old	-	-	-	8.3	...	4.3	8.6	10.1	5.1	10.0
25 to 34 years old	-	-	...	4.6	12.3	4.3	4.7	5.4	6.2	6.6
YEARS OF SCHOOL COMPLETED										
Male, 25 years old and over	68	255	145	129 462	322	9 879	13 022	99 076	1 737	1 536
No school years completed	5	-	6	2 536	32	210	270	1 875	66	56
Elementary: 1 to 4 years	-	25	11	7 375	38	1 045	708	6 887	235	169
5 to 7 years	23	70	37	19 952	42	1 545	1 689	17 463	365	296
8 years	7	53	35	13 089	60	1 020	1 212	11 480	222	197
High school: 1 to 3 years	14	48	22	33 630	76	2 874	3 188	24 876	358	263
4 years	19	50	21	38 752	71	2 182	3 756	24 666	356	377
College: 1 to 3 years	-	4	5	8 931	3	599	1 229	6 585	90	107
4 years or more	-	5	8	5 197	-	404	986	5 244	45	91
Median school years completed	...	8.6	8.5	10.9	8.8	10.2	11.5	10.4	8.9	9.3
Percent high school graduates	...	23.1	23.4	40.8	23.0	32.2	45.8	36.8	28.3	36.9
Female, 25 years old and over	91	228	203	178 015	196	10 924	19 023	126 774	3 985	3 536
No school years completed	-	2	-	3 414	10	157	298	2 523	49	55
Elementary: 1 to 4 years	3	19	17	8 523	6	652	856	8 946	156	133
5 to 7 years	17	30	28	27 739	31	1 551	2 797	22 579	338	289
8 years	7	32	37	19 775	29	1 294	1 916	14 487	182	179
High school: 1 to 3 years	27	88	69	49 214	54	3 465	4 782	32 789	707	533
4 years	22	47	40	55 321	43	2 800	6 004	32 [illegible]	439	947
College: 1 to 3 years	15	10	6	9 370	-	600	1 456	6 9[illegible]	73	76
4 years or more	-	-	6	4 659	23	405	916	5 376	41	100
Median school years completed	...	10.1	9.8	10.8	10.2	10.6	11.3	10.4	10.1	10.8
Percent high school graduates	...	25.0	25.6	39.0	33.7	34.8	44.0	35.9	27.9	34.8
FAMILIES										
Families	76	238	160	155 225	191	10 845	13 357	87 974	1 915	1 378
With own children under 3 years	29	63	44	33 411	36	3 159	2 481	12 360	482	464
With own children under 6 years	35	78	59	57 063	64	4 877	4 681	22 495	782	758
With own children under 12 years	53	118	71	86 729	91	6 868	7 432	37 461	1 183	1 [illegible]
With own children under 18 years	53	153	103	104 062	108	7 836	9 049	47 624	1 415	1 [illegible]
With sons/daughters under 25 years	53	162	109	112 464	117	8 290	9 895	53 314	1 520	1 [illegible]
With sons/daughters 13 to 19 years	18	72	58	44 788	54	3 002	4 306	22 782	731	713
With sons/daughters 18 to 24 years	14	25	23	23 274	12	1 295	2 265	12 645	435	373
Subfamilies	8	10	12	6 393	6	660	884	3 586	113	75
Number of own children under 18 years	8	12	12	7 852	6	964	1 144	4 620	101	84
Husband-wife subfamilies	-	4	-	1 844	6	143	344	890	22	-
Number of own children under 18 years	-	-	-	1 064	6	140	337	629	-	-
Subfamilies with female head	8	6	12	4 344	-	499	468	2 519	88	84
Number of own children under 18 years	8	12	12	6 486	-	797	705	3 739	90	77
Persons under 18 years old	175	640	354	273 833	328	24 866	26 724	114 540	4 704	3 [illegible]
Living with both parents	140	306	253	140 906	209	13 823	16 673	56 839	2 459	2 [illegible]
Percent of total	80.0	69.5	65.9	51.5	63.7	55.6	62.4	49.6	52.3	59.4
CHILDREN EVER BORN										
Women, 35 to 44 yr. old, ever married	23	56	28	41 167	46	2 771	4 590	23 176	543	253
Children ever born	126	229	168	127 796	145	10 425	13 074	59 562	2 258	1 [illegible]
Per 1,000 women ever married	...	...	...	3 104	...	3 762	2 848	2 570	4 158	4 [illegible]

...e 130. Social Characteristics of Persons of Puerto Rican Birth or Parentage for Counties: 1970

[Data based on sample, see text. For minimum base for derived figures (percent, median, etc.) and meaning of symbols, see text]

Counties With 400 or More Persons of Puerto Rican Birth or Parentage	Bronx	Chautauqua	Clinton	Dutchess	Erie	Kings	Monroe	Nassau	New York	Oneida	Onondaga
PLACE OF BIRTH											
Total population	316 772	1 141	718	1 594	5 167	271 769	5 792	7 224	185 323	607	906
Foreign born	-	-	-	-	-	-	-	-	-	-	-
Native	316 772	1 141	718	1 594	5 167	271 769	5 793	7 224	185 323	607	906
Born in State of residence	125 435	526	72	524	2 227	109 646	1 676	3 604	71 062	226	350
Born in different State	1 378	59	6	16	140	1 620	126	70	1 057	-	8
Northeast	447	-	8	8	41	742	77	39	416	-	-
North Central	369	19	-	8	66	300	8	6	240	-	-
South	366	40	-	-	33	443	36	18	287	-	8
West	196	-	-	-	-	135	5	7	114	-	-
Born abroad, at sea, etc.	187 833	520	638	1 054	2 726	157 994	3 718	3 468	111 817	365	548
State of birth not reported	2 126	36	-	-	74	2 509	72	82	1 387	16	-
RESIDENCE IN 1965											
Total population, 5 years old and over	274 235	845	682	1 519	4 353	231 801	4 871	6 415	166 372	468	780
Same house	113 760	207	91	529	92	93 601	796	2 570	91 896	73	29
Different house in United States	117 481	509	413	589	2 6	105 000	2 584	3 096	54 213	262	388
Same county	80 737	398	18	185	2 406	89 217	2 202	1 259	36 679	138	219
Different county	36 744	111	395	404	249	15 783	382	1 837	17 534	124	169
Same State	34 478	53	370	361	154	14 019	267	1 770	16 222	108	116
Different State	2 266	58	25	23	95	1 764	115	67	1 312	16	53
Northeast	1 110	-	13	-	34	913	67	5	575	7	12
North Central	460	-	-	23	46	372	14	-	272	-	25
South	433	58	-	-	15	358	14	55	253	-	15
West	263	-	12	-	-	121	-	7	212	9	-
Abroad	21 577	59	112	111	295	19 235	1 041	418	11 115	82	254
Moved, 1965 residence not reported	3 417	70	66	290	443	13 965	450	331	9 148	51	29
SCHOOL ENROLLMENT											
Total enrolled, 3 to 34 years old	94 715	362	70	383	2 013	87 706	2 010	2 292	57 204	179	299
Nursery school	698	-	-	10	58	761	43	65	1 149	-	10
Public	560	-	-	10	50	631	8	30	911	-	-
Kindergarten	6 079	23	7	14	139	5 295	147	159	3 271	28	33
Public	5 690	14	7	14	118	5 079	110	153	3 093	28	28
Elementary (1 to 8 years)	64 133	295	43	245	1 413	61 418	1 485	1 509	36 356	130	184
Public	58 592	270	43	224	1 119	55 708	1 090	1 395	30 913	130	140
High school (1 to 4 years)	20 807	38	-	101	297	18 293	316	532	13 969	14	16
Public	19 361	38	-	70	262	17 141	298	504	12 363	9	16
College	2 998	6	20	13	106	1 939	19	127	2 459	7	56
Percent enrolled, 3 to 34 years old	44.9	44.8	13.8	34.2	55.4	46.8	50.0	54.2	49.5	59.2	47.1
3 and 4 years old	10.1	-	-	-	24.3	9.2	13.9	23.3	17.1	-	...
5 and 6 years old	71.5	...	...	...	61.0	69.3	73.3	86.2	77.1	...	...
7 to 13 years old	94.7	99.9	...	79.8	93.5	93.9	94.8	98.8	95.6	88.5	94.0
14 and 15 years old	90.4	...	-	...	85.2	90.9	84.7	95.4	93.4	...	...
16 and 17 years old	76.2	...	-	...	75.1	75.2	57.0	82.8	81.2	...	...
18 and 19 years old	39.2	...	...	...	52.3	37.9	47.3	64.1	46.3	...	...
20 and 21 years old	8.1	...	...	...	25.5	7.6	4.2	9.8	13.2	...	-
22 to 24 years old	4.3	-	-	3.7	6.0	2.7	-	5.4	6.7	...	...
25 to 34 years old	1.9	-	-	10.0	4.9	1.8	-	3.9	2.7	-	27.1
YEARS OF SCHOOL COMPLETED											
Male, 25 years old and over	59 808	199	453	464	908	47 235	1 084	1 558	40 305	95	140
No school years completed	1 866	19	12	46	63	2 452	60	51	1 896	10	18
Elementary: 1 to 4 years	7 603	38	34	41	205	6 651	164	132	5 694	-	17
5 to 7 years	12 428	43	124	74	255	10 150	285	125	8 552	33	14
8 years	8 017	43	83	96	90	6 976	179	220	5 993	13	9
High school: 1 to 3 years	16 210	5	169	131	145	11 906	180	452	9 627	5	26
4 years	11 185	32	26	44	101	7 567	173	415	6 867	27	16
College: 1 to 3 years	1 705	-	5	7	15	1 103	6	110	1 073	7	6
4 years or more	594	19	-	20	34	430	37	53	603	-	34
Median school years completed	9.0	7.9	8.7	8.7	7.0	8.5	8.2	10.7	8.7	...	10.4
Percent high school graduates	22.5	25.6	6.8	15.9	16.5	19.3	19.9	37.1	21.2	...	40.0
Female, 25 years old and over	74 362	143	22	297	823	57 332	920	1 810	47 460	85	116
No school years completed	4 607	7	-	65	77	4 969	52	86	3 592	15	7
Elementary: 1 to 4 years	11 845	33	-	57	187	9 926	174	76	8 469	12	17
5 to 7 years	17 493	67	-	37	105	14 309	254	194	10 655	11	15
8 years	9 415	10	9	21	100	7 336	74	172	6 426	19	12
High school: 1 to 3 years	16 718	11	7	35	142	12 119	211	391	9 839	7	6
4 years	12 203	15	6	29	156	7 559	86	700	6 791	6	25
College: 1 to 3 years	1 566	-	-	5	32	862	42	122	1 099	7	25
4 years or more	515	-	-	28	24	252	27	69	589	8	7
Median school years completed	8.3	6.9	...	5.4	8.4	7.9	7.5	11.9	8.2	...	12.0
Percent high school graduates	19.2	10.5	...	20.9	25.8	15.1	16.8	49.2	17.9	...	50.0
FAMILIES											
Families	60 706	204	19	147	1 087	65 278	1 172	1 643	45 886	134	213
With own children under 3 years	22 859	93	5	44	377	19 880	392	397	10 029	50	110
With own children under 6 years	35 515	121	5	79	544	30 627	586	648	16 686	81	151
With own children under 12 years	51 814	149	13	96	799	43 885	856	1 053	25 976	94	159
With own children under 18 years	60 410	163	13	104	866	51 102	950	1 268	32 569	107	180
With sons/daughters under 25 years	65 240	175	13	104	921	54 201	986	1 351	35 554	107	180
With sons/daughters 13 to 19 years	23 052	77	8	42	336	19 868	367	615	15 265	20	57
With sons/daughters 18 to 24 years	11 526	31	-	19	154	9 089	151	261	7 463	7	-
Subfamilies	2 301	16	-	6	9	1 422	53	61	1 344	-	-
Number of own children under 18 years	2 319	7	-	12	22	1 579	71	65	1 506	-	-
Husband-wife subfamilies	908	9	-	6	4	570	28	20	496	-	-
Number of own children under 18 years	474	-	-	12	8	318	38	26	330	-	-
Subfamilies with female head	1 274	7	-	-	5	790	12	25	768	-	-
Number of own children under 18 years	1 666	7	-	-	14	1 187	12	33	1 086	-	-
Persons under 18 years old	140 415	659	86	512	2 849	132 826	3 071	3 035	74 775	214	474
Living with both parents	82 332	564	86	285	1 992	80 570	2 522	2 350	46 225	277	350
Percent of total	58.6	85.6	...	55.7	69.9	60.7	82.1	77.4	61.8	88.2	73.8
CHILDREN EVER BORN											
Women, 35 to 44 yr. old, ever married	19 719	24	-	38	254	15 700	253	282	13 433	13	33
Children ever born	64 499	130	-	221	1 229	58 058	1 245	1 852	40 256	59	144
Per 1,000 women ever married	3 271	...	-	...	4 839	3 698	4 921	3 126	3 238	...	...

Table 42

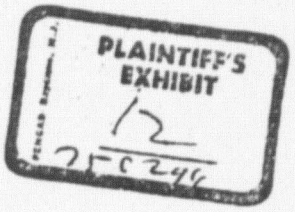
RACIAL COMPOSITION OF THE POPULATION,
NASSAU COUNTY, BY TOWN, 1960, 1970

	All Persons		White		Negro		Other*	
	1960	1970	1960	1970	1960	1970	1960	1970
Glen Cove City	23,817	25,770	21,698	23,868	2,032	1,739	87	163
Hempstead	740,738	801,592	713,988	750,872	25,192	46,784	1,558	3,454
Long Beach City	26,473	33,127	25,543	30,604	869	2,236	61	287
North Hempstead	219,088	235,007	209,204	221,296	9,190	12,184	694	1,504
Oyster Bay	290,055	333,342	287,606	329,114	2,067	2,736	382	1,239
Nassau County	1,300,171	1,428,838	1,258,039	1,355,754	39,350	65,679	2,782	6,647

* Includes American Indian, Japanese, Chinese, Filipino, Hawaiian, Korean

Source: U. S. Bureau of the Census

PLAINTIFF'S EXHIBIT 12



NASSAU COUNTY

YEARS OF SCHOOL COMPLETED

Persons 25 years of age and older.

	White General	Negro
Males		
Total	370,219	13,032
4 years and over	84,728	986
Percentage	22.7%	7.7%
Females		
Total	423,529	19,025
4 years and over	50,036	916
Percentage	11.8%	4.7%
Median years of School completed	12.4	11.5 male 11.3 female

Social and Economical Statistics Administraiton
of the United States Department of Commerce
Bureau of the Census - 1970

NEW YORK STATE

YEARS OF SCHOOL COMPLETED

Persons 25 years of age and older.

	Total	White	Negro
Males			
4 years of Col.	348,201	330,799	11,875
5/more	391,305	371,756	10,675
Median years completed	12.1	12.2	10.8
Females			
4 years of Col.	301,806	282,826	13,935
5/more	197,223	183,514	9,213
Median years completed	12.1	12.1	10.9
Percent by Lev.			
4 years College/ more	11.9%	12.7%	4.2%

UNITED STATES

YEARS OF SCHOOL COMPLETED

Persons 25 years of age and older.

	Total	White	Negro
Males	51,869,770	46,527,222	4,713,703
4 years of Col.	3,518,159	3,367,827	103,756
5/more	3,490,403	3,329,027	92,008
Median years completed	12.1	12.1	9.4
Females	58,029,589	51,718,413	5,661,390
4 years of Col.	3,139,445	2,928,136	166,215
5/more	1,569,259	1,437,738	93,980
Median years completed	12.1	12.1	10.0
Percent by Lev. 4 years col./more	10.7%	11.3%	4.4%

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
BUREAU OF QUALITY ASSURANCE

PLAINTIFF'S EXHIBIT 14

WE REGRET TO INFORM YOU THAT YOU HAVE NOT PASSED THE PROFICIENCY EXAMINATION FOR CLINICAL LABORATORY TECHNOLOGISTS. THE MAXIMUM SCORE, YOUR SCORE AND THE PASSING SCORE FOR EACH AREA COVERED BY THE EXAMINATION ARE LISTED BELOW.

YOU WILL BE NOTIFIED OF THE DATE OF THE NEXT EXAMINATION BY YOUR STATE MEDICARE AGENCY.

MARGARET TOWNSEND
133 COMMERICAL ST.
FREEPORT, NY 11520
4310152

	MAXIMUM SCORE	PASSING SCORE	YOUR SCORE
CLINICAL CHEMISTRY	76	35	23
MICROBIOLOGY	64	28	17
BLOODBANKING	52	30	36
HEMATOLOGY	37	19	12

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DEFENDANT'S EXHIBIT A

DEFENDANT'S EXHIBIT A NO. 75 C 294

CRESAP, McCORMICK AND PAGET

NASSAU COUNTY
POSITION CLASSIFICATION QUESTIONNAIRE

The instructions which accompany this form should be read carefully before this form is filled out.

Davis, George

X

16
3
7169

Laboratory, Meadowbrook Hospital (Blood Bank)

Sr Microbiologist

197

X PROVISIONAL

7

60

40

Rotate on shifts in case of emergency or sickness of another technician.

PER CENT OF TOTAL TIME	DESCRIPTION OF DUTIES
100%	Overall supervision, plus on call (telephone) 24 hours a day.
60%	Blood - typing, Rh, crossmatches, maternal titers, phenotyping, ABO titrations, direct and indirect coombs, all tests involving agglutinogen and antibody reactions. Checking in blood and plasma and checking out blood and plasma. Separating plasma from blood for packed cells. Immune, complete and incomplete antibody studies. Blood factors.
20%	Teaching. Program with ASCP students, Interns and Residents of all procedures in Blood Bank.
1%	Supply and Equipment Ordering of supplies and equipment for Blood Bank and maintainance of same.
1%	Employee detail. Maintaining a tour schedule of employees and a time books to cover Blood Bank 24 hours a day, 7 days, a week.
11%	Special Studies and Research Research and study all special problems arising in Blood Bank.
2%	Reports Preparation of monthly and annual reports.

Edward Evans
Supv. Sr. Public Health Physician (Blood Bank) Director

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14. LIST NAMES AND TITLES OF EMPLOYEES YOU SUPERVISE. IF FIVE OR FEWER, IF YOU SUPERVISE MORE THAN FIVE EMPLOYEES, GIVE NUMBER OF EMPLOYEES UNDER EACH TITLE. WRITE "NONE" IF YOU DO NOT SUPERVISE ANY EMPLOYEES.

Grade 13 — 1 Grade 8
Grade 10 — 2 Part timers

15. DESCRIBE THE KIND OF SUPERVISION YOU EXERCISE OVER EMPLOYEES LISTED IN ITEM 14.

During day I supervise employees work and problems that arise. Evenings and week ends, I am available by phone or I come in from home for special problems. I distribute the work to the students and technicians. All student work is checked. (I control attendance and administer discipline.)

16. DESCRIBE THE KIND OF SUPERVISION YOU RECEIVE IN YOUR WORK.

The Director, Dr. F. C. Zaino, is notified of all problems that arise in Blood Bank, Also has final orders on all work done in Blood Bank.

17. LIST THE MACHINES OR EQUIPMENT YOU USE, AND DATE PER CENT OF TIME SPENT IN OPERATION OF EACH.

Shadowgraph balance	1	Microscopes	3
Plasma extractor	1	Centrifuge for Bottle bloo d	.5

18. CERTIFICATION: I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, ALL STATEMENTS SHOWN ABOVE ARE CORRECT.

SIGNATURE OF EMPLOYEE Leroy F Mann DATE 2-23-65

TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR

19. COMMENT ON STATEMENTS OF EMPLOYEE. INDICATE ANY EXCEPTIONS OR ADDITIONS.

I agree with the statements.

20. INDICATE THE TYPE OF TRAINING AND EXPERIENCE YOU BELIEVE ESSENTIAL TO FILL THIS POSITION PROPERLY.

Min. 5 years scientific laboratory experience . B.S. or B.A. degree, Registration medical technologist or equivalent in experience.

21. INDICATE ANY SPECIAL PHYSICAL REQUIREMENTS THAT AN EMPLOYEE MUST HAVE TO PERFORM PROPERLY THE DUTIES OF THE POSITION.

None.

22. WHAT DO YOU CONSIDER THE MOST IMPORTANT DUTIES OF THIS POSITION.

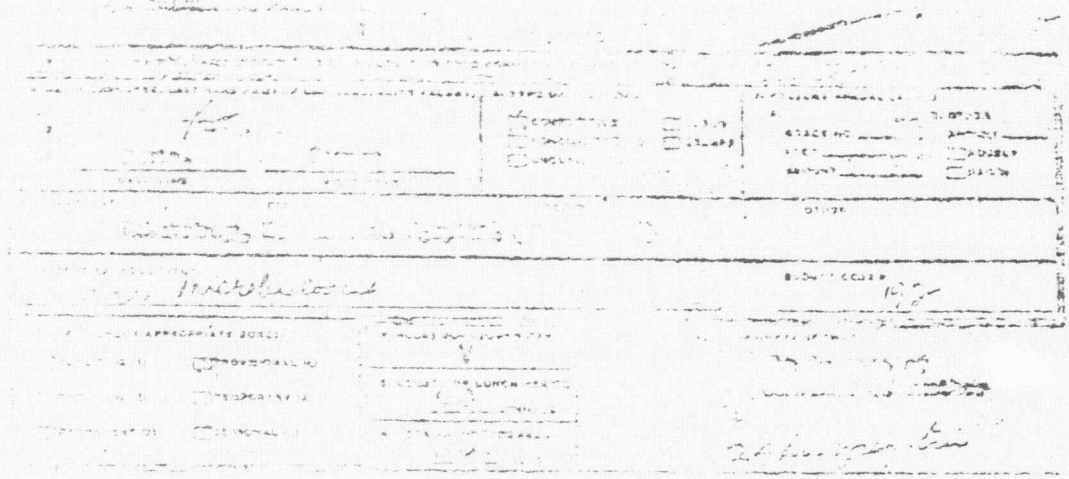
Supervision of technicians, doing some of the more specialized antibody studies.

SIGNATURE AND FAYROLL TITLE OF IMMEDIATE SUPERVISOR Edward C Zaino DATE 2/24/65

TO BE COMPLETED BY THE DEPARTMENT HEAD OR HIS REPRESENTATIVE

23. COMMENT ON STATEMENTS OF EMPLOYEE AND SUPERVISOR. INDICATE AGREEMENT OR DISAGREEMENT.

AUTHORIZED SIGNATURE _____ DATE _____



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10 SUPERVISION OVER OTHERS: Give the following information about each position over which you exercise supervision.

TITLE	NAME OF INCUMBENT	NATURE OF SUPERVISION
Microbiologist I	Murnich, A.	Direct
Microbiologist I	Bill, .	Partially direct Available by phone.
Microbiologist I	Malunowitz, T.	Available by phone.
Lab. II	Open at present	Partially direct Available by phone.
Lab. II	Lynch, K.	Direct.
Lab. I	Dixon, W.	Available by phone.
LAB. I	Cook, J.	Available by phone.
LAB. I	Seibert, J.	Available by phone.
LAB. I	TOWNSEND, M.	Direct.
LAB. I	Altman, G.	Available by phone.
LAB. I	Lobbs, A.	Available by phone.

[illegible] field of Rheumatology. 20 yrs.
[illegible] established [illegible] clinic.
[illegible] Professional and
technician examinations and tests in Rheumatology.
Perform different [illegible] chemical examinations and tests in Research.
Teach [illegible] professional, [illegible] professional and technicians, [illegible] students, Interns and Residents in Rheumatology.
Knowledge of [illegible] methods, technique and practice of Rheumatology.

12. If the VA rating specialist in the area in which you live will not automatically accept [illegible] that rating in your case, a request for reclassification [illegible] may be filed [illegible] with the Veterans Administration Central Office [illegible] for this purpose. [illegible] that your claim will receive [illegible] automatically if you [illegible] unless you are in a receivable [illegible] on the form and the [illegible], it is unlikely to [illegible] the appeal that when the change in title [illegible] the duties [illegible] is a position that is [illegible] for reclassification, and for the person filing [illegible]. The filing of the request is entirely within the [illegible] of the appellate office.

13. Do you request a hearing? Yes [X] No [ ]

14. [ ] I desire to appear at hearing, or
[X] I authorize (name) [illegible] to represent me at the hearing.

15. I certify that the statements [illegible] are true, [illegible] and complete to the best of my knowledge.

Date [illegible] [illegible]

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377A

CRESAP, McCORMICK AND PAGET

NASSAU COUNTY
POSITION CLASSIFICATION QUESTIONNAIRE

The instructions which accompany this form should be read carefully before this form is filled out.

1. NAME OF EMPLOYEE: LAST NAME FIRST (IF UNFILLED, OR TEMPORARY)
Miss Sickles (LAST NAME) Carolyn (FIRST NAME)

2. TYPE OF POSITION
[X] COMPETITIVE [ ] LABOR
[ ] NONCOMPETITIVE [ ] EXEMPT
[ ] UNCLASSIFIED

3. PRESENT ANNUAL SALARY
A. GRADE NO. 13, STEP 3, AMOUNT 6153
B. OTHER AMOUNT ____ [ ] HOURLY [ ] DAILY

4. DEPARTMENT: Blood Bank Meadowbrook Hospital
DIVISION
SECTION
OTHER

5. PRESENT PAYROLL TITLE: Microbiologist
BUDGET CODE: 192

6. WORK IS (CHECK APPROPRIATE BOXES)
[X] FULL TIME [X] PROVISIONAL (4)
[ ] PART TIME (4) [ ] TEMPORARY (5)
[ ] PERMANENT (3) [ ] SEASONAL (5)

7. HOURS WORKED PER DAY: 7
8. LENGTH OF LUNCH PERIOD: 60 MINUTES
9. TOTAL HOURS PER WEEK: 40 HOURS
10. EXPLAIN ROTATION OF SHIFTS, IF ANY.

11. PLACE OF WORK OR HEADQUARTERS
Blood Bank, Main Hospital building

12. DESCRIBE BELOW IN DETAIL THE WORK YOU DO. USE YOUR OWN WORDS, AND MAKE YOUR DESCRIPTION SO CLEAR THAT PERSONS UNFAMILIAR WITH YOUR WORK CAN UNDERSTAND EXACTLY WHAT YOU DO.

PER CENT OF TOTAL TIME	DESCRIPTION OF DUTIES
13%	Laboratory procedures- Routine typing for ABO group and Rh factor.
26.8%	Crossmatch donor blood with patient's blood to insure the compatibility of the transfusion. Antibody screening test to detect the presence of atypical antibodies
16.6%	Test for immune A or B antibodies. Pan-O-Cell workup to determine the strength of antibodies present in serum. Direct coombs to test for hemolytic anemias. Indirect coombs to test for atypical antibodies in serum. Pack cells by removal of plasma from whole blood under sterile conditions. As senior technician- assume the duties of the Chief Technician in his absence.
.8%	Preparation of reagent cells for use in blood typing and in Antibody Screening Test and Indirect coombs Daily inventory of of blood in Bank to insure that all bottles of blood handled by the Bank are accounted for.
16.6%	Clerical- keep a record of all work done, dispersion of blood and plasma, maintain files.
6.8%	General cleaning- keep lab orderly, maintain file of patient's and donor specimens for two weeks, care of microscopes, centrifuges and other equipment.
.8%	Order general supplies, check supply of reagents on hand.
5.6%	Routine operation of Durrum Cell to separate protein fractions of hemoglobin and serum on paper strips.
1.6%	Operation of pherrograph to separates protein fractions of hemoglobin and serum in a starch gell media.
2.5%	Clerical- keep records of all work done.
3.3%	Preparation of reagents.
3.3%	Keep lab and equipment clean and orderly.

George F. Davis, Senior Microbiologist

14. LIST NAMES AND TITLES OF EMPLOYEES YOU SUPERVISE. IF FIVE OR FEWER, IF YOU SUPERVISE MORE THAN FIVE EMPLOYEES, GIVE NUMBER OF EMPLOYEES UNDER EACH TITLE. WRITE "NONE" IF YOU DO NOT SUPERVISE ANY EMPLOYEES.

None

15. DESCRIBE THE KIND OF SUPERVISION YOU EXERCISE OVER EMPLOYEES LISTED IN ITEM 14.

None

16. DESCRIBE THE KIND OF SUPERVISION YOU RECEIVE IN YOUR JOB.

If in doubt of results of tests can call upon supervisor for verification.

17. LIST THE MACHINES OR EQUIPMENT YOU USE. INDICATE BRIEFLY WHERE IT IS USED AND HOW OFTEN EACH.

Microscope	15
Centrifuge	10

18. CERTIFICATION. I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE STATEMENTS SHOWN ABOVE ARE CORRECT.

SIGNATURE OF EMPLOYEE Carolyn Ann Settles DATE 3-1-65

TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR

19. COMMENT ON STATEMENTS OF EMPLOYEE, INDICATE ANY EXCEPTIONS OR CHANGES NEEDED.

Employees statement is quite correct.

20. INDICATE THE TYPE OF TRAINING AND EXPERIENCE YOU BELIEVE IS NECESSARY FOR SATISFACTORY PERFORMANCE OF THE WORK DESCRIBED.

At least 2 years experience./ including 1 year Lab. school. (B.A. or B.S. degree) 3 years college education./ (Graduate of recognized Laboratory school) Registration in medical technology, ASCP or equivalent. Post graduate college training.

21. INDICATE ANY SPECIAL PHYSICAL REQUIREMENTS THAT AN EMPLOYEE MUST HAVE TO PERFORM PROPERLY THE DUTIES OF THE POSITION.

Complete accuracy is required. Conscientiousness a main factor.

22. WHAT DO YOU CONSIDER THE MOST IMPORTANT QUALIFICATIONS FOR THIS JOB?

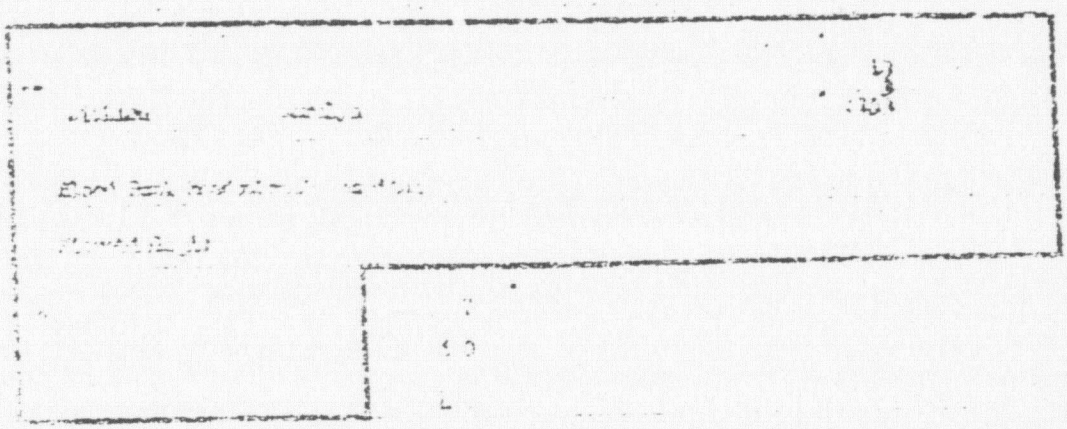
Typing and Rh correct
Hematching of blood correct.
Antibody screening tests.

SIGNATURE OF IMMEDIATE SUPERVISOR OR HIS REPRESENTATIVE

DATE

TO BE COMPLETED BY THE DEPARTMENT HEAD OR HIS REPRESENTATIVE

21. COMMENT ON THE STATEMENTS OF EMPLOYEE



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CRESAP, McCORMICK AND PAGET

382A

NAVAL COUNTY

POSITION CLASSIFICATION QUESTIONNAIRE

The instructions which accompany this form should be read carefully before this form is filled out.

1. NAME OF EMPLOYEE: LAST NAME, FIRST (IF UNMARRIED, GIVE TITLE) — 2. TYPE OF POSITION

XX
XXX

Mrs. Lynch (LAST NAME) Kathleen (FIRST NAME)

X COMPETITIVE — NON-COMPETITIVE — UNCLASSIFIED — LABOR — EXEMPT

3. PRESENT ANNUAL SALARY: A. GRADE NO. 8, STEP 5, AMOUNT $5203 — B. OTHER AMOUNT — HOURLY — DAILY

4. DEPARTMENT: Blood Bank, Laboratory — DIVISION — SHOP OR UNIT ON — OTHER

5. PRESENT PAYROLL TITLE: Laboratory Technician — BUDGET CODE 84 192

6. WORK (CHECK APPROPRIATE BOXES): X FULL TIME — X PROVISIONAL 4 — PART TIME 2 — TEMPORARY 5 — PERMANENT 3 — SEASONAL 6

7. TIME AT WHICH EMPLOYEE REPORTS FOR WORK: 7

8. LENGTH OF LUNCH PERIOD: 60 MINUTES

9. TOTAL HOURS PER WEEK: 40 HOURS

10. EXPLAIN ROTATION OF SHIFTS, IF ANY.

11. PLACE OF WORK OR HEADQUARTERS

12. DESCRIBE BELOW IN DETAIL THE WORK YOU DO. USE YOUR OWN WORDS AND MAKE YOUR DESCRIPTION SO CLEAR THAT PERSONS UNFAMILIAR WITH YOUR WORK CAN UNDERSTAND EXACTLY WHAT YOU DO.

PER CENT OF TOTAL TIME	DESCRIPTION OF DUTIES
	The work load in the blood bank basically may be divided into three categories; actual laboratory testing, maintenance of accurate records, duties of varied nature.
50%	Laboratory Testing: Preparation of reagents to be used in blood bank testing. Checking a patient for antigens present or more simply his "blood type." Checking the blood of the donor against the blood of the proposed recipient to assure that the recipient will have no adverse effects from the blood that are of hemolytic nature. Screening a patient's blood to detect an antibody present. If the patient has an antibody determining which one, and to what degree it is present. Much of this work is done in relation to pregnant women.
10%	Maintenance of accurate records. This is of prime importance for two reasons. First, the patient must be charged only for the medication he actually receives. Secondly, due to the high cost of blood and blood fractions, it is necessary to keep wastage at a minimum. All blood and blood fractions must be signed into the blood bank and out of the blood bank according to the designated system so that all technicians can determine the location of any bottle of blood or blood fraction at any given time.
40%	Odd Duties: Due to the fact that there are only two technicians on the 3-11 shift, there are many odd duties that they must perform. Answering questions of people calling the hospital for information about donating blood, checking the availability of blood for patients in the hospital especially for the following day's operation schedule, typing blood when necessary, getting clearance from the

SIGNATURE OF EMPLOYEE OR SUPERVISOR, AS SUBMITTED

George F. Davis, Senior Microbiologist

383A

14. LIST NAMES AND TITLES OF EMPLOYEES YOU SUPERVISE, IF FIVE OR FEWER. IF YOU SUPERVISE MORE THAN FIVE EMPLOYEES, GIVE NUMBER OF EMPLOYEES UNDER EACH TITLE. WRITE "NONE" IF YOU DO NOT SUPERVISE ANY EMPLOYEES.

None

15. DESCRIBE THE KIND OF SUPERVISION YOU EXERCISE OVER EMPLOYEES LISTED IN ITEM 14.

None

16. DESCRIBE THE KIND OF SUPERVISION YOU RECEIVE IN YOUR WORK.

There is no immediate supervsion, but the Head technician is available by phone in case of necessity as is the Medical Director of the blood bank.

17. LIST THE MACHINES OR EQUIPMENT YOU USE. INDICATE PER CENT OF TIME SPENT IN OPERATION OF EACH.

	%
	%

18. CERTIFICATION: I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, ALL STATEMENTS SHOWN ABOVE ARE CORRECT.

SIGNATURE OF EMPLOYEE Kathleen Dugnol DATE 3/3/65

TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR

19. COMMENT ON STATEMENTS OF EMPLOYEE. INDICATE ANY EXCEPTIONS OR ADDITIONS.

Statements acceptable.

20. INDICATE THE TYPE OF TRAINING AND EXPERIENCE YOU BELIEVE IS NECESSARY TO FILL THIS POSITION PROPERLY.

High school graduate - 2 years Laboratory experience time proportional to type and quality of experience.

21. INDICATE ANY SPECIAL PHYSICAL REQUIREMENTS THAT AN EMPLOYEE MUST HAVE TO PERFORM PROPERLY THE DUTIES OF THE POSITION.

Absolute accuracy required, conscientiousness a main factor.

22. WHAT DO YOU CONSIDER THE MOST IMPORTANT DUTIES OF THIS POSITION?

Type and x-matching of blood and antibody screen.

SIGNATURE AND PAYROLL TITLE OF IMMEDIATE SUPERVISOR [illegible] DATE 3 [illegible]

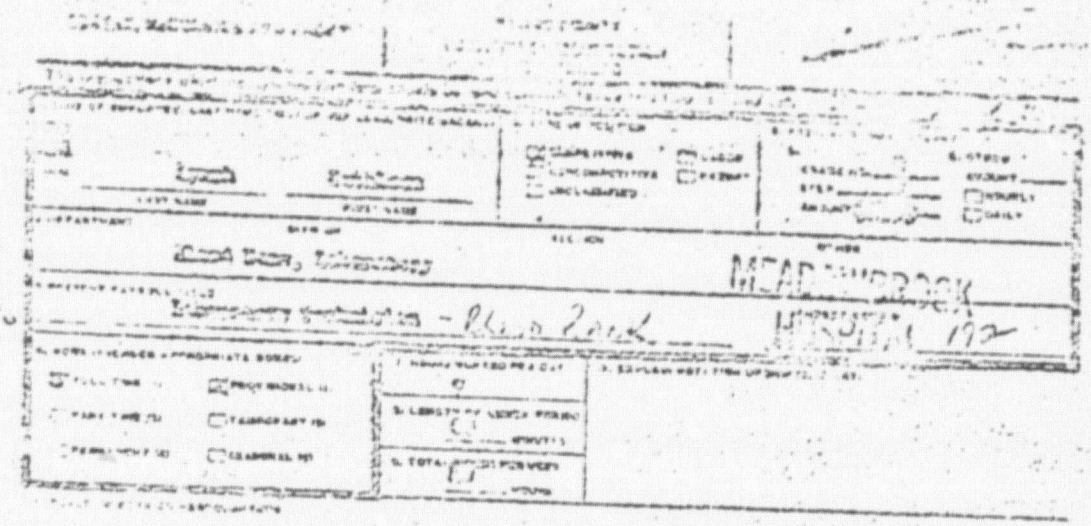
TO BE COMPLETED BY THE DEPARTMENT HEAD OR HIS REPRESENTATIVE

23. COMMENT ON STATEMENTS OF EMPLOYEE AND SUPERVISOR. INDICATE ANY DIFFERENCE IN OPINION.

AUTHORIZED SIGNATURE James L. Cronin M.D. DATE 3-22-65

Kathleen Lynch, Blood Bank - continued

Medical Director for special procedures, and lastly maintaining a clean and well supplied working area.



Kathleen Lynch, Coast Bank - continued

Medical Director for special procedures, and lastly maintaining a clean and well supplied nursing area.

8450

CRESAP, McCORMICK AND PAGET

388A

NASSAU COUNTY

POSITION CLASSIFICATION QUESTIONNAIRE

The instructions which accompany this form should be read carefully before this form is filled out.

1. NAME OF EMPLOYEE, LAST NAME FIRST (IF UNFILLED, WRITE VACANT)

MR. XX
XX Valente (LAST NAME) James (FIRST NAME)

2. TYPE OF POSITION

X COMPETITIVE ☐ LABOR
☐ NONCOMPETITIVE ☐ EXEMPT
☐ UNCLASSIFIED

3. PRESENT ANNUAL SALARY

A. GRADE NO. 10 STEP 5 AMOUNT 5960
B. OTHER AMOUNT ☐ HOURLY ☐ DAILY

4. DEPARTMENT: Blood Bank, DIVISION: Meadowbrook Hospital, SECTION: OTHER

5. PRESENT PAYROLL TITLE: Sr. Laboratory Technician

BUDGET CODE # 192

6. WORK IS (CHECK APPROPRIATE BOXES)

X FULL TIME (1) ☐ PROVISIONAL (4)
☐ PART TIME (2) ☐ TEMPORARY (5)
X PERMANENT (3) ☐ SEASONAL (6)

7. HOURS WORKED PER DAY

8. LENGTH OF LUNCH PERIOD ____ MINUTES

9. TOTAL HOURS PER WEEK ____ HOURS

10. EXPLAIN ROTATION OF SHIFTS, IF ANY.

11. PLACE OF WORK OR HEADQUARTERS: Blood Bank, Meadowbrook Hospital

12. DESCRIBE BELOW IN DETAIL THE WORK YOU DO. USE YOUR OWN WORDS, AND MAKE YOUR DESCRIPTION SO CLEAR THAT PERSONS UNFAMILIAR WITH YOUR WORK CAN UNDERSTAND EXACTLY WHAT YOU DO.

PER CENT OF TOTAL TIME	DESCRIPTION OF DUTIES
10%	Detection and identification of all blood systems and factors
40%	Preparing Blood (x-matching) for transfusion
5-10%	Routine titration determinations for natural occurring, acquired and immune antibodies
5-10%	Special studies concerning immunizations against natural occurring, acquired and immune antibodies
5%	Separation of whole blood from plasma fractions for administration to patients with special problems
30%	Blood is perishable. There is an elaborate system of paper work to ensure that recipients receive blood which is as fresh as possible. Also, checks and double checks on all items imperative since most errors which occur in a blood bank are of a clerical nature. All work must be recorded. Responsible for checking blood, plasma and plasma components in and out of blood bank.
2-5%	Dispense information concerning blood bank procedure (mostly distribution) to medical staff.
2-5%	Able to locate unused blood or plasma or plasma component at any time whether in the blood bank or hospital.

13. NAME AND TITLE OF YOUR IMMEDIATE SUPERVISOR

George Davis, Sr. Microbiologist

(Use additional sheets if necessary)

389A

14. LIST NAMES AND TITLES OF EMPLOYEES YOU SUPERVISE, IF FIVE OR FEWER. IF YOU SUPERVISE MORE THAN FIVE EMPLOYEES, GIVE NUMBER OF EMPLOYEES UNDER EACH TITLE. WRITE "NONE" IF YOU DO NOT SUPERVISE ANY EMPLOYEES.

none

15. DESCRIBE THE KIND OF SUPERVISION YOU EXERCISE OVER EMPLOYEES LISTED IN ITEM 14.

16. DESCRIBE THE KIND OF SUPERVISION YOU RECEIVE IN YOUR WORK. I regularly work the 11 PM to 7 AM shift. The chief technician and the doctor in charge are available for consultation by telephone. Instructions for new work is left (in written form) on our bulletin board. As all work is recorded in a work book, it is fairly easy for any superior to review my work.

17. LIST THE MACHINES OR EQUIPMENT YOU USE. INDICATE PER CENT OF TIME SPENT IN OPERATION OF EACH.

		%
		%

18. CERTIFICATION: I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, ALL STATEMENTS SHOWN ABOVE ARE CORRECT.

SIGNATURE OF EMPLOYEE James Dalenty DATE 3-2-65

TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR

19. COMMENT ON STATEMENTS OF EMPLOYEE. INDICATE ANY EXCEPTIONS OR ADDITIONS.

Employees statement is quite accurate.

20. INDICATE THE TYPE OF TRAINING AND EXPERIENCE YOU BELIEVE IS NECESSARY TO FILL THIS POSITION PROPERLY.

1 yr. experience or attended a recognized Lab. schod for 1 yr. College education, BS or BA, Registration in medical technology, ASCP, or equivalent.

21. INDICATE ANY SPECIAL PHYSICAL REQUIREMENTS THAT AN EMPLOYEE MUST HAVE TO PERFORM PROPERLY THE DUTIES OF THE POSITION.

Complete accuracy required.
Conscientiousness a main factor.

22. WHAT DO YOU CONSIDER THE MOST IMPORTANT DUTIES OF THIS POSITION?

Typing and Rh correct.

SIGNATURE AND PAYROLL TITLE OF IMMEDIATE SUPERVISOR [illegible] DATE 3-2-65

TO BE COMPLETED BY THE DEPARTMENT HEAD OR HIS REPRESENTATIVE

23. COMMENT ON STATEMENTS OF EMPLOYEE AND SUPERVISOR. INDICATE ANY EXCEPTIONS OR ADDITIONS.

AUTHORIZED SIGNATURE James [illegible] M.D. DATE

NASSAU COUNTY
POSITION CLASSIFICATION
QUESTIONNAIRE

Blood Bank, Meadowbrook Hospital

Dr. Laboratory Technician

19__

Blood Bank, Meadowbrook Hospital

DESCRIPTION OF DUTIES

routine lab tech.

Performs and supervises all blood typing and cross matching (serology) for transfusion

Performs blood (serology) for transfusion

Keeps blood bank records, including transfusion reaction reports, required and blood utilization

Counsels medical personnel, investigates special blood problems, required and blood utilization

Supervises all whole blood and plasma fractions for distribution to patients with special problems

Plans to periodic, plans to an adequate system of proper work to assure that recipients receive blood which is as fresh as possible, that, there and double plans to all [illegible]

Investigates other work which goes in a blood bank [illegible] a clinical problem will work have to be recorded. [illegible] for donation blood, plasma and plasma [illegible] in and use of blood bank.

Prepares information concerning blood bank problems (usually distribution) to medical staff.

Acts to locate source blood or plasma or blood component, as may be [illegible] in the blood bank [illegible].

[illegible]

[illegible]

[illegible]

I regularly work the 11 PM to 7 AM shift. The chief technician and the doctor in charge are available for consultation by telephone. Instructions for my work is left (in written form) on our bulletin board. As all work is recorded in a work book, it is fairly easy for any superior to review my work.

[illegible]

I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, ALL STATEMENTS SHOWN ABOVE ARE CORRECT.

SIGNATURE OF EMPLOYEE: Jane Talbert DATE: 3-2-65

TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR

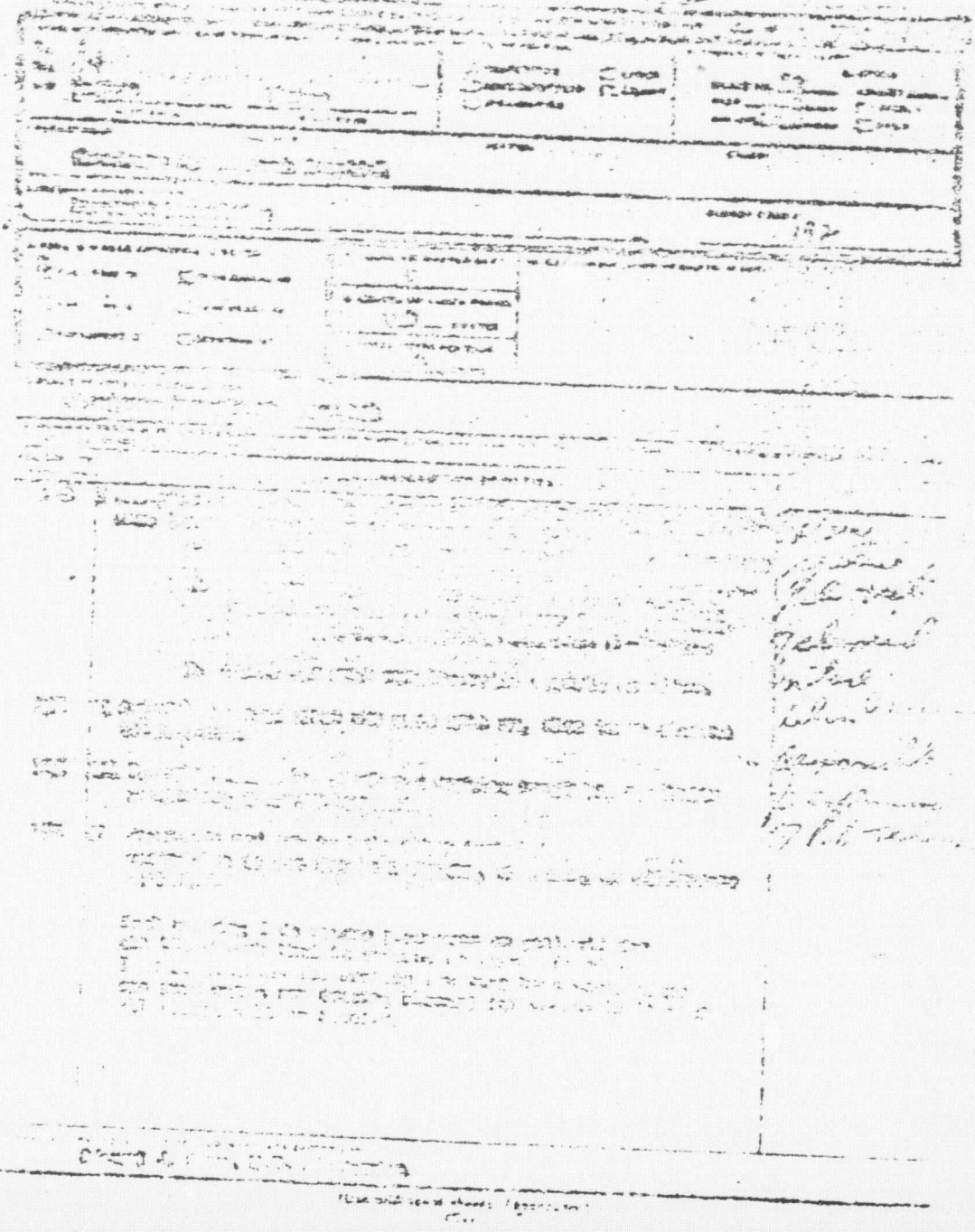
Employee statement is quite accurate.

1 yr. experience or training a recognized lab. school for 1 yr. College education, BS or BA, Registration in medical technology, ASCP, or equivalent.

Complete accuracy required, Conscientiousness a main factor.

Typing and 10 current.

BEST COPY AVAILABLE



2439

CRESAP, McCORMICK AND PAGET

394A

NASSAU COUNTY

POSITION CLASSIFICATION QUESTIONNAIRE

The instructions which accompany this form should be read carefully before this form is filled out.

1. NAME OF EMPLOYEE: LAST NAME FIRST (IF UNFILLED, WRITE VACANT)

XX

Mr. XX

Sokol — LAST NAME

Suzanna — FIRST NAME

2. TYPE OF POSITION

☐ COMPETITIVE ☐ LABOR

☒ NONCOMPETITIVE ☐ EXEMPT

☐ UNCLASSIFIED

3. PRESENT ANNUAL SALARY

A. GRADE NO. 10 STEP 6 AMOUNT $6313

B. OTHER AMOUNT ____ ☐ HOURLY ☐ DAILY

4. DEPARTMENT: Laboratory, Meadowbrook Hospital, DIVISION: Blood Bank SECTION: OTHER:

5. PRESENT PAYROLL TITLE: Staff Nurse

BUDGET CODE # 192

6. WORK IS: (CHECK APPROPRIATE BOXES)

☒ FULL TIME (1) ☐ PROVISIONAL (4)

☐ PART TIME (2) ☐ TEMPORARY (5)

☒ PERMANENT (3) ☐ SEASONAL (6)

7. HOURS WORKED PER DAY: 7½

8. LENGTH OF LUNCH PERIOD: 30 MINUTES

9. TOTAL HOURS PER WEEK: 40 HRS

10. EXPLAIN ROTATION OF SHIFTS, IF ANY.

One evening a week I work 4 hours overtime when we have Blood donors to be taken for Meadowbrook Hospital Blood Bank

11. PLACE OF WORK OR HEADQUARTERS

Blood Bank - C - Building, Meadowbrook Hospital

12. DESCRIBE BELOW IN DETAIL THE WORK YOU DO. USE YOUR OWN WORDS, AND MAKE YOUR DESCRIPTION SO CLEAR THAT PERSONS UNFAMILIAR WITH YOUR WORK CAN UNDERSTAND EXACTLY WHAT YOU DO.

PER CENT OF TOTAL TIME	DESCRIPTION OF DUTIES
40%	Account in book and on patients record cards all blood and plasma given to patients in 24 hrs. and any donor credits received.
5%	Type daily blood report to InterCounty Blood Bank on ICBB blood used.
2%	Order blood supply for patients as needed from outside banks.
10%	Contact patients families about replacement and answer all questions they may have. Answer [illegible] telephone calls.
3%	Contact doctors about releasing crossmatched unused blood to be recrossmatched on other patients- must keep blood rotating to keep it from expiring in bank.
10%	Clear donors by taking history, temp, pulse, blood pressure and do a Hemoglobin before being seen by doctors.
10%	Take blood from donors for MBH Hospital Blood Bank. Type-monthly report-once a month-Yearly report-once a year.
12%	Take over as charge nurse when charge nurse is off sick or time off or on vacation.
5%	Type- a weekly report to American Red Cross on amount of their blood used. Accounting for each bottle approximately 50 to 60 per week.

13. NAME AND PAYROLL TITLE OF YOUR IMMEDIATE SUPERVISOR

Catherine Smith [illegible] Blood [illegible]

395A

14. LIST NAMES AND TITLES OF EMPLOYEES YOU SUPERVISE, IF FIVE OR FEWER. IF YOU SUPERVISE MORE THAN FIVE EMPLOYEES, GIVE NUMBER OF EMPLOYEES UNDER EACH TITLE. WRITE "NONE" IF YOU DO NOT SUPERVISE ANY EMPLOYEES.

None.

15. DESCRIBE THE KIND OF SUPERVISION YOU EXERCISE OVER EMPLOYEES LISTED IN ITEM 14.

16. DESCRIBE THE KIND OF SUPERVISION YOU RECEIVE IN YOUR WORK.

The Charge nurse and I work together- relieving each other of duties when one is absent or too busy doing other work. I receive instructions from the Charge nurse, Mrs. Zuchelli and advice when needed.

17. LIST THE MACHINES OR EQUIPMENT YOU USE. INDICATE PER CENT OF TIME SPENT IN OPERATION OF EACH.

Typewriter	20 %		%
	%		%

18. CERTIFICATION: I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, ALL STATEMENTS SHOWN ABOVE ARE CORRECT.

SIGNATURE OF EMPLOYEE Eugenia Sokol R.N. DATE 3/17/65

TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR

19. COMMENT ON STATEMENTS OF EMPLOYEE. INDICATE ANY EXCEPTIONS OR ADDITIONS.

These statements are correct.

20. INDICATE THE TYPE OF TRAINING AND EXPERIENCE YOU BELIEVE IS NECESSARY TO FILL THIS POSITION PROPERLY.

Registered Professional Nurse. Training in bleeding donors.

21. INDICATE ANY SPECIAL PHYSICAL REQUIREMENTS THAT AN EMPLOYEE MUST HAVE TO PERFORM PROPERLY THE DUTIES OF THE POSITION.

None

22. WHAT DO YOU CONSIDER THE MOST IMPORTANT DUTIES OF THIS POSITION?

Assisting in donor room.

SIGNATURE AND PAYROLL TITLE OF IMMEDIATE SUPERVISOR [illegible] DATE

TO BE COMPLETED BY THE DEPARTMENT HEAD OR HIS REPRESENTATIVE

23. COMMENT ON STATEMENTS OF EMPLOYEE AND SUPERVISOR. INDICATE ANY EXCEPTIONS OR ADDITIONS.

AUTHORIZED SIGNATURE James V. Cahill M.D. DATE MAR 25 1965

396A

14. LIST NAMES AND TITLES OF EMPLOYEES YOU SUPERVISE. IF FIVE OR FEWER, IF YOU SUPERVISE MORE THAN FIVE EMPLOYEES, GIVE NUMBER AND TITLES OF EMPLOYEES IN EACH GRADE. IF YOU DO NOT SUPERVISE ANY EMPLOYEES, SO INDICATE.

Susan Cokol, Blood Bank Nurse

American Red Cross Volunteers

15. DESCRIBE BRIEFLY THE MOST IMPORTANT DUTIES OF EMPLOYEE LISTED IN ITEM 14.

Instruct and observe Blood Bank Nurse in her duties in Blood Bank [illegible] screening donors and bleeding them.

Instruct volunteers in blood bank assignments.

16. DESCRIBE THE WORK OF ANY EMPLOYEES WHO SUPERVISE THE EMPLOYEES LISTED IN ITEM 14.

Directly responsible to Dr. Zaino, Blood Bank Director.

17. LIST THE MAJOR PIECES OF EQUIPMENT OR MACHINES YOU OR EMPLOYEES UNDER YOUR SUPERVISION OPERATE EACH DAY AND INDICATE THE PERCENTAGE OF TIME SPENT ON EACH.

Refrigerator	2
Blood bank equipment	30

18. CERTIFICATION: I CERTIFY THAT THE STATEMENTS MADE IN THIS DESCRIPTION ARE CORRECT.

SIGNATURE [illegible] DATE 2/23/65

TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR

19. COMMENT ON THE ACCURACY OF THE ABOVE STATEMENTS AND ADD ANY ADDITIONAL DUTIES OR RESPONSIBILITIES.

I agree with the statements.

20. INDICATE THE MINIMUM QUALIFICATIONS AND ANY SPECIAL ABILITIES YOU BELIEVE IS NECESSARY TO FILL THIS POSITION PROPERLY.

Registered Nurse with Blood Bank experience including Donor room min. 5 years exp.

21. INDICATE ANY PHYSICAL REQUIREMENTS THAT AN EMPLOYEE MUST HAVE TO PERFORM PROPERLY THE DUTIES OF THE POSITION.

None

22. WHAT DO YOU CONSIDER THE MOST IMPORTANT DUTIES OF THIS POSITION?

Keeping an accurate check of blood given and obtaining blood from other Blood Banks. Screening and bleeding donors.

SIGNATURE AND PAYROLL TITLE OF IMMEDIATE SUPERVISOR Edward C. Zaino DATE 3/1/65

TO BE COMPLETED BY THE DEPARTMENT HEAD OR HIS REPRESENTATIVE

23. COMMENT ON STATEMENTS OF EMPLOYEE AND SUPERVISOR, INDICATE ANY ADDITIONS OR CORRECTIONS.

AUTHORIZED SIGNATURE [illegible] DATE [illegible]

3939

CRESAP, McCORMICK AND PAGET

MARIN COUNTY
POSITION CLASSIFICATION QUESTIONNAIRE

Sabol Susanna

56113

Laboratory, Meadowbrook Hospital, Blood Bank

Staff Nurse

7½

30

One evening a week I work 4 hours overtime when we have blood donors to be taken for Meadowbrook Hospital Blood Bank

Blood Bank - C - Building, Meadowbrook Hospital

DESCRIPTION OF DUTIES

Answer all calls for patients record cards and blood and plasma given to patients in OR bar, and any donor cards received.

Type daily blood report to InterCounty Blood Bank on IBBB blood used.

Order blood supply for patients as needed from outside banks.

Contact patients families about replacement and answer all questions they may have. Answer and telephone calls.

Contact doctors about releasing crossmatched units blood to be recrossmatched on other patients- must keep blood relating to keep it from expiring in bank.

Clear donors by taking history, temp., pulse, blood pressure and do a hemoglobin before being seen by doctors.

Take blood from donors for the Hospital Blood Bank. Prepare [illegible] a month-yearly report showing a year.

Take test to change [illegible] blood group [illegible] of [illegible] on [illegible].

Type a weekly report to the American Red Cross in charge of [illegible] blood bank, [illegible] for each bottle typed [illegible]

Nurse.

The Charge nurse and I work together- relieving each other of duties when one is absent or too busy doing other work. I receive instructions from the Charge nurse, Mrs. Zuchelli and advise when needed.

Typewriter 20

These statements are correct.

Registered Professional Nurse. Grisham is bleeding, Doctor.

Fire

473

CRESAP, McCORMICK AND PAGET

399A

NASSAU COUNTY

POSITION CLASSIFICATION QUESTIONNAIRE

The instructions which accompany this form should be read carefully before this form is filled out.

1. NAME OF EMPLOYEE, LAST NAME FIRST (IF UNFILLED, WRITE VACANT)

MR. ☒ MRS. ☒

DIXON (LAST NAME) Walter (FIRST NAME)

2. TYPE OF POSITION

☐ COMPETITIVE ☐ LABOR

☒ NONCOMPETITIVE ☐ EXEMPT

☐ UNCLASSIFIED

3. PRESENT ANNUAL SALARY

A. GRADE NO. _____ STEP _____ AMOUNT _____

B. OTHER AMOUNT _____ ☐ HOURLY ☐ DAILY

4. DEPARTMENT: Laboratory, Meadowbrook Hospital | DIVISION | SECTION: Blood Bank | OTHER

5. PRESENT PAYROLL TITLE: Part Time Laboratory Technician

BUDGET CODE # 172

6. WORK (CHECK APPROPRIATE BOXES)

☐ FULL TIME (1) ☐ PROVISIONAL (4)

☒ PART TIME (2) ☐ TEMPORARY (5)

☐ PERMANENT (3) ☐ SEASONAL (6)

7. HOURS WORKED PER DAY

8. LENGTH OF LUNCH PERIOD ____ MINUTES

9. TOTAL HOURS PER WEEK ____ HOURS

10. EXPLAIN ROTATION OF SHIFTS, IF ANY.

Used as needed for vacations, sick, personal days and holidays

11. PLACE OF WORK OR HEADQUARTERS

Meadowbrook Hospital, East Meadow, N.Y. Blood Bank Laboratory

12. DESCRIBE BELOW IN DETAIL THE WORK YOU DO. USE YOUR OWN WORDS, AND MAKE YOUR DESCRIPTION SO CLEAR THAT PERSONS UNFAMILIAR WITH YOUR WORK CAN UNDERSTAND EXACTLY WHAT YOU DO.

PER CENT OF TOTAL TIME	DESCRIPTION OF DUTIES
90%	Blood crossmatching, typing and other systems of blood grouping. Special studies.
3%	Telephone calls for Blood Bank information.
7%	Clerical work in Blood Bank

13. NAME AND PAYROLL TITLE OF SUPERVISOR'S SUPERVISOR

George F. Davis, Sr. Microbiologist

(Use additional sheets if necessary)

400A

14. LIST NAMES AND TITLES OF EMPLOYEES YOU SUPERVISE, IF FIVE OR FEWER. IF YOU SUPERVISE MORE THAN FIVE EMPLOYEES, GIVE NUMBER OF EMPLOYEES UNDER EACH TITLE. WRITE "NONE" IF YOU DO NOT SUPERVISE ANY EMPLOYEES.

None

15. DESCRIBE THE KIND OF SUPERVISION YOU EXERCISE OVER EMPLOYEES LISTED IN ITEM 14.

-

16. DESCRIBE THE KIND OF SUPERVISION YOU RECEIVE IN YOUR WORK.

Work on part time basis. No immediate supervisor. The Chief Technician is available By phone and the Doctor in charge.

17. LIST THE MACHINES OR EQUIPMENT YOU USE. INDICATE PER CENT OF TIME SPENT IN OPERATION OF EACH.

	%
	%

18. CERTIFICATION. I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, ALL STATEMENTS SHOWN ABOVE ARE CORRECT.

SIGNATURE OF EMPLOYEE Walter H. Dyer Jr. DATE 3-1-55

TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR

19. COMMENT ON STATEMENTS OF EMPLOYEE. INDICATE ANY EXCEPTIONS OR ADDITIONS.

This is a good description of the position.

20. INDICATE THE TYPE OF TRAINING AND EXPERIENCE YOU BELIEVE IS NECESSARY TO FILL THE POSITION PROPERLY.

Technician should have the experience of at least 1 year in Lab. work, or attended a recognized Lab. school for 1 year. Be a registered medical technologist.

21. INDICATE ANY SPECIAL PHYSICAL REQUIREMENTS THAT AN EMPLOYEE MUST HAVE TO PERFORM PROPERLY THE DUTIES OF THE POSITION.

Normal physical condition. Complete accuracy required. Conscientiousness a main factor.

22. WHAT DO YOU CONSIDER THE MOST IMPORTANT DUTIES OF THIS POSITION?

Type and cross match of blood; antibody screening.

SIGNATURE AND PAYROLL TITLE OF IMMEDIATE SUPERVISOR [illegible] DATE [illegible]

TO BE COMPLETED BY THE DEPARTMENT HEAD OR HIS REPRESENTATIVE

23. COMMENT ON STATEMENTS OF EMPLOYEE AND IMMEDIATE SUPERVISOR, INDICATING EXCEPTIONS OR ADDITIONS.

AUTHORIZED SIGNATURE James V. Collins M.D. DATE APR 8 1955

401A

CHILD, McCORMICK AND PRICE

POSITION CLASSIFICATION QUESTIONNAIRE

Please type or print legibly. Information you provide on this form will be used to classify your position.

1. NAME OF EMPLOYEE, LAST NAME, FIRST NAME, INITIAL, SOCIAL SECURITY NO.

[redacted], M. Mary H.
LAST NAME FIRST NAME

2. TYPE OF POSITION
☐ COMPETITIVE ☐ LABOR
☒ NON-COMPETITIVE ☐ EXEMPT
☐ UNCLASSIFIED

3. PRESENT ANNUAL SALARY
a. GRADE NO. _____ STEP _____ AMOUNT _____
b. OTHER AMOUNT 2.10 ☐ HOURLY ☐ DAILY

4. DEPARTMENT: Laboratory, National Hospital DIVISION: Blood Bank SECTION: OTHER:

5. PRESENT PAYROLL TITLE: Part Time Laboratory Technician

6. BUDGET CODE #: 49J

7. WORK (CHECK APPROPRIATE BOXES)
☐ FULL TIME (1) ☐ PROVISIONAL (4)
☐ PART TIME (2) ☐ TEMPORARY (5)
☐ PERMANENT (3) ☐ SEASONAL (6)

8. HOURS WORKED PER DAY

9. LENGTH OF LUNCH PERIOD ___ ___ MINUTES

10. TOTAL HOURS PER WEEK ___ ___ HOURS

11. SHIFT OR ROTATION (IF ANY): Used as relief for vacation, sick, normal day off and holiday

12. PLACE OF WORK OR HEADQUARTERS: Walter Reed Hospital, East Wing, 1st. Blood Bank Laboratory

13. DESCRIBE BELOW IN DETAIL THE WORK YOU PERFORM. USE YOUR OWN WORDS, AND AVOID USING BLOCK PRINT SO USUAL ABBREVIATIONS UNLESS USED WITH YOUR NORMAL UNDERSTANDING. EXACTLY WHAT YOU DO.

PERCENTAGE OF TOTAL TIME	DESCRIPTION OF DUTIES
50	Blood grouping, typing and other tests of blood samples. Special duties.
25	Collects cells for Blood Bank laboratory.
25	Carried out in Blood Bank

402A

12. LIST NAMES AND TITLES OF EMPLOYEES YOU SUPERVISE. IF FIVE OR FEWER, IF YOU SUPERVISE MORE THAN FIVE EMPLOYEES, GIVE NUMBER OF EMPLOYEES UNDER EACH TITLE. WRITE "NONE" IF YOU DO NOT SUPERVISE ANY EMPLOYEES.

None

13. DESCRIBE THE KIND OF SUPERVISION YOU EXERCISE OVER EMPLOYEES LISTED IN ITEM 12.

14. DESCRIBE THE KIND OF SUPERVISION YOU RECEIVE IN YOUR WORK.

Work is not [illegible]. It includes supervision. The chief technician is available if there are any questions.

15. BY THE BEGINNING OF EQUIPMENT YOU USE, INDICATE PERCENT OF TIME SPENT IN OPERATION OF EACH.

	%
	%

16. CERTIFICATION: I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, ALL STATEMENTS MADE IN THIS DESCRIPTION ARE CORRECT.

SIGNATURE OF EMPLOYEE: [signature] DATE: 3-1-67

TO BE COMPLETED BY THE IMMEDIATE SUPERVISOR

17. INDICATE CONCURRENCE OF EMPLOYEE'S STATEMENTS IN ITEM 16. NOTE ANY EXCEPTIONS OR ADDITIONS.

[illegible]

18. INDICATE THE TYPE OF TRAINING AND PRACTICE YOU CONSIDER [illegible] NECESSARY FOR PROPERLY

[illegible]

19. LIST ANY SPECIAL PHYSICAL REQUIREMENTS [illegible]

[illegible]

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CRESAP, McCORMICK AND PAGET

403A

NASSAU COUNTY

POSITION CLASSIFICATION QUESTIONNAIRE

The instructions which accompany this form should be read carefully before this form is filled out.

1. NAME OF EMPLOYEE, LAST NAME FIRST (IF UNFILLED, WRITE VACANT)

XX
MRS.
XXX

Zuchelli — LAST NAME — Catherine — FIRST NAME

2. TYPE OF POSITION

- ☐ COMPETITIVE
- ☒ NONCOMPETITIVE
- ☐ UNCLASSIFIED
- ☐ LABOR
- ☐ EXEMPT

3. PRESENT ANNUAL SALARY

A. GRADE NO. 12 STEP 6 AMOUNT $6976

B. OTHER AMOUNT ____ ☐ HOURLY ☐ DAILY

4. DEPARTMENT: Blood Bank, Laboratory, Meadowbrook Hospital — DIVISION — SECTION — OTHER

5. PRESENT PAYROLL TITLE: Charge Nurse — BUDGET CODE 192

6. WORK IS (CHECK APPROPRIATE BOXES)

- ☒ FULL TIME (1)
- ☐ PART TIME (2)
- ☒ PERMANENT (3)
- ☐ PROVISIONAL (4)
- ☐ TEMPORARY (5)
- ☐ SEASONAL (6)

7. HOURS WORKED PER DAY

8. LENGTH OF LUNCH PERIOD ____ MINUTES

9. TOTAL HOURS PER WEEK ____ HOURS

10. EXPLAIN ROTATION OF SHIFTS, IF ANY.

11. PLACE OF WORK OR HEADQUARTERS: Blood Bank Laboratory, Meadowbrook Hospital

12. DESCRIBE BELOW IN DETAIL THE WORK YOU DO. USE YOUR OWN WORDS, AND MAKE YOUR DESCRIPTION SO CLEAR THAT PERSONS UNFAMILIAR WITH YOUR WORK CAN UNDERSTAND EXACTLY WHAT YOU DO.

PER CENT OF TOTAL TIME	DESCRIPTION OF DUTIES
10%	Responsible for purchasing and distribution of Blood, Plasma blood products and donor room equipment.
20%	Daily accounts of credits and debits of blood and plasma used on patients records.
2½%	Monthly inventory and claim sheets
2½%	Yearly inventory and claim sheets to county
25%	Contacting relatives by phone or in person to clear credit prior to use of blood. Checking with M.D.'s about orders for blood.
30%	Screening and bleeding donors.
5%	Keeping records on donors taken or rejected.
5%	Taking over blood bank nurses duties when she is absent.

13. NAME AND TITLE OF IMMEDIATE SUPERVISOR

Edward C. Zaing, M.D., Director Blood Bank

(Use additional sheets if necessary)

8420

CRISAP, McCORMICK AND PARKER

NASSAU COUNTY
POSITION CLASSIFICATION
QUESTIONNAIRE

Mineola, Long Island, New York

Nassau County Medical Center, East Meadow, New York

Nassau County Medical Center, Meadowbrook Hospital

(OFFICE OF PERSON COMPLETING)

Donna Lahti, Blood Bank Nurse

Maintain Blood Donor Volunteers

Instruct and observe Blood Bank Nurse in her duties in Blood Bank plus assuming duties and training them.

Instructing volunteers in blood bank techniques.

Directly responsible to Dr. Lisco, Blood Bank Director.

Blood Bag	2
Blood donor equipment	20

I agree with the statements.

Instructed Nurse with Blood Bank techniques including Donor work up. 4 years Ex.

Nurse

Duties as assigned by Director of Blood Bank and Assistant Blood Bank Director

DEFENDANT'S EXHIBIT B 406A

DEFENDANT'S EXHIBIT B NO. 75 C 294

OCCUPATIONAL GROUP

CODE NO. 21665

ASSISTANT MICROBIOLOGIST

General Statement of Duties and Responsibilities

Under supervision, performs routine professional work in microbiology; may supervise subordinates; performs related work.

Examples of Typical Tasks

Performs microbiologic, serologic or hematologic tests and procedures and/or supervises those with lesser training and experience in the performance thereof; assists in the completion of microbiologic diagnoses.

Conducts microbiologic analyses of clinical specimens or of food, water, sewage, or industrial wastes; assists in inspections and performance tests of water and sewage treatment plants; assists in field surveys relating to the sanitary control and maintenance of the quality of water supply.

Assists in the preparation of proficiency test material in clinical microbiology or any of its specialties.

Assists in microbiologic research programs.

Prepares laboratory media and reagents; maintains adequate laboratory supplies; keeps laboratory records and prepares reports.

Qualification Requirements

A baccalaureate degree from an accredited college, including or supplemented by at least 24 credits in biology and/or chemistry, of which at least 12 credits must have been in biology including at least two courses in microbiology and one year of full-time paid experience in microbiological work.

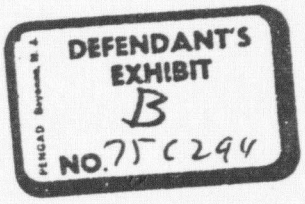
At the time of appointment to clinical laboratories eligibles will be required to possess a certificate of qualification as clinical laboratory technologist issued by the Commissioner of Health of the City of New York, with a specialty of code 101 for all microbiology except virology, which includes bacteriology, code 110; serology, code 120; mycology, code 140; and parasitology, code 150.

Direct Lines of Promotion

From: Junior Bacteriologist (21605)

To: Microbiologist (21670) or Microbiologist (Specialty) (21671-21679)

407A My. Cty



MICROBIOLOGY
OCCUPATIONAL GROUP

CODE NO. 21665

ASSISTANT MICROBIOLOGIST

General Statement of Duties and Responsibilities

Under supervision, performs routine professional work in microbiology; may supervise subordinates; performs related work.

Examples of Typical Tasks

Performs microbiologic, serologic or hematologic tests and procedures and/or supervises those with lesser training and experience in the performance thereof; assists in the completion of microbiologic diagnoses.

Conducts microbiologic analyses of clinical specimens or of food, water, sewage, or industrial wastes; assists in inspections and performance tests of water and sewage treatment plants; assists in field surveys relating to the sanitary control and maintenance of the quality of water supply.

Assists in the preparation of proficiency test material in clinical microbiology or any of its specialties.

Assists in microbiologic research programs.

Prepares laboratory media and reagents; maintains adequate laboratory supplies; keeps laboratory records and prepares reports.

Qualification Requirements

A baccalaureate degree from an accredited college, including or supplemented by at least 24 credits in biology and/or chemistry, of which at least 12 credits must have been in biology including at least two courses in microbiology and one year of full-time paid experience in microbiological work.

At the time of appointment to clinical laboratories eligibles will be required to possess a certificate of qualification as clinical laboratory technologist issued by the Commissioner of Health of the City of New York, with a specialty of code 101 for all microbiology except virology, which includes bacteriology, code 110; serology, code 120; mycology, code 140; and parasitology, code 150.

Direct Lines of Promotion

From: Junior Bacteriologist (21605)

To: Microbiologist (21670) or
Microbiologist (Specialty)
(21671-21679)

MICROBIOLOGY
OCCUPATIONAL GROUP

CODE NO. 21678

MICROBIOLOGIST (SEROLOGY)

General Statement of Duties and Responsibilities

Under general supervision, with considerable responsibility and latitude in the exercise of independent judgment and decision, performs and/or supervises difficult professional work in a Serology Unit within the Serology Section of the Health Services Administration; performs related work.

Examples of Typical Tasks

Performs various standard and newly developed serology tests in the Serology Section; performs laboratory tests for rabies, such as the direct and indirect fluorescent antibody tests and mouse inoculation tests; performs all serodiagnostic tests for syphilis, including the MHA-TP, FTA-ABS, quantitative VDRL and RPR circle card tests.

Performs other serodiagnostic tests, such as the indirect hemagglutination and fluorescent antibody tests for toxoplasmosis, standard serodiagnostic tests, including ASO titrations, tests for infectious mononucleosis, etc.

Prepares and standardizes VDRL antigen and reagents; prepares specimens for routine as well as proficiency tests; prepares records, statistics, reports, etc.

Supervises subordinate personnel.

Qualification Requirements

A baccalaureate degree from an accredited college, including or supplemented by at least 24 credits in biology and/or chemistry, of which at least 12 credits must have been in biology, including at least three courses in microbiology or two courses in microbiology and one course in biochemistry or serology, and three years of experience in professional microbiological work, including one year in a supervisory capacity.

A doctoral degree from an accredited college, with a major in chemistry and/or biology can substitute for two of the three years of required experience. A masters degree, with a major in chemistry and/or biology, can substitute for one year of experience.

One year of experience must have been in serology and must have included the performance of most standard serodiagnostic test procedures.

MICROBIOLOGIST (SEROLOGY) - (Cont'd.)

CODE NO. 21678

Qualification Requirements (Cont'd)

included the performance of most standard serodiagnostic test procedures.

At the time of appointment to clinical laboratories eligibles will be required to possess a certificate of qualification as a clinical laboratory technologist issued by the Commissioner of Health of the City of New York, with a speciality code of 120, serology.

Direct Lines of Promotion

From: Assistant Microbiologist (21665) To: Senior Microbiologist (21680)
or
Senior Microbiologist (Serology), (21688)

BEST COPY AVAILABLE

General Statement of Duties and Responsibilities

Under direction, with wide latitude for the exercise of independent judgment and decision, supervises and administers a Serology Unit within the Serology Section of the Health Service Administration; performs related work.

Examples of Typical Tasks

Performs and supervises the performance of routine and newly developed serologic assays in one of the following units: the syphilis screening tests unit; fluorescent antibody tests (FTA, rabies and other fluorescent antibody tests unit; or the special serology tests unit; identifies and prepares blood and spinal fluid specimens for testing by the RPR, VDRL and FTA-ABS procedures; performs diagnosis of rabies by the direct microscopic method, fluorescent antibody techniques and mouse inoculation method.

Assists the Laboratory Improvement Service by testing candidates for the technologist license in syphilis serology; interviews and tests blood bank technicians and technologists who have failed cross-match proficiency tests in order to determine why they failed. Also supervises the testing and preparation of specimens for the New York City General Serology proficiency test program.

Prepares and standardizes VDRL antigen and reagents.

Assigns work to and supervises subordinate personnel.

Prepares reports; orders reagents and equipment.

Assists the head of the Serology Section in related matters to contribute to the efficient operation and improvement of the Section.

Qualification Requirements

A baccalaureate degree from an accredited college, including or supplemented by at least 24 credits in biology and/or chemistry, of which at least 12 credits must have been in biology including at least three courses in microbiology and six years of experience in professional microbiological work including two years in a supervisory or consultative capacity.

A doctoral degree from an accredited college, with a major in chemistry or biology, can substitute for four years of the required six years of experience. A master's degree, with a major in chemistry, biology, or microbiology can substitute for two years of experience.

One year of experience must have been in serology.

SENIOR MICROBIOLOGIST (SEROLOGY) (Cont'd)

Qualification Requirements (Cont'd).

At the time of appointment to clinical laboratories eligibles will be required to possess a certificate of qualification as a clinical laboratory supervisor issued by the Commissioner of Health of the City of New York, with the specialty code 120, and its sub-specialties coded 121 (Syphilis Serology), 122 (Other Serology), and 123 (Radioimmunoassay).

Direct Lines of Promotion

From: Microbiologist (Serology) (21678)

To: Principal Microbiologist (21690)

112A

DEFENDANT'S EXHIBIT C

DEFENDANT'S EXHIBIT
C
NO. 75C291

JOB DESCRIPTIONS
and
ORGANIZATIONAL ANALYSIS
for
HOSPITALS
and
RELATED HEALTH SERVICES

Prepared in Cooperation With
THE AMERICAN HOSPITAL ASSOCIATION

UNITED STATES DEPARTMENT OF LABOR
J. D. HODGSON, *Secretary*
MANPOWER ADMINISTRATION
U. S. Training and Employment Service

REVISED EDITION 1970

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Clinical Laboratories Department Medical Technologist 078.281

MEDICAL TECHNOLOGIST

JOB DUTIES

In large hospitals, and those engaged in research, MEDICAL TECHNOLOGISTS may be responsible for tests and examinations in only one of several fields of clinical pathology. Thus, they would be classified according to field of specilization such as HISTOLOGIC TECHNOLOGIST; BIOCHEMISTRY TECHNOLOGIST; HEMATOLOGY TECHNOLOGIST; MICROBIOLOGY TECHNOLOGIST; SEROLOGY TECHNOLOGIST; CYTOTECHNOLOGIST or BLOOD BANK TECHNOLOGIST. In smaller hospitals, technologists may perform clinical tests in any one or a combination of areas of specialization depending on the size and scope of the laboratory activity. Thus they would be classified in the broader, general category of MEDICAL TECHNOLOGIST.

Performs various chemical, microscopic, and bacteriologic tests to obtain data for use in diagnosis and treatment of disease:

Receives written requisitions from physician for routine or special laboratory tests. Sets up and adjusts laboratory equipment and apparatus, such as chemical glassware, balance, microscope, slides, and reagents.

Obtains laboratory specimens, such as urine, blood, and sputum, from wards or directly from patient, using established laboratory techniques. Adds reagents or indicator solutions, and subjects specimens for processing to operations such as heating, agitating, filtering, or titrating according to established procedures. Prepares slides for microscopic analysis as necessary. Observes reactions, changes of color, or formation of precipitates; studies slides using microscope; or subjects treated specimens to automatic analyzing equipment to make qualitative and quantitative analyses. Posts all test findings to laboratory slips for study by PATHOLOGIST or other laboratory supervisor. Also posts results of laboratory analyses to record cards and files reports. Indicates amount to be charged to patient's account. Identifies and labels all specimens to be retained and files them for further reference or research.

MACHINES, TOOLS, EQUIPMENT, AND WORK AIDS

Autoanalyzer, balance, Bunsen burner, centrifuge, colorimeter, cryostat, laboratory equipment, logbook, laboratory slips, slides, and reports.

EDUCATION, TRAINING, AND EXPERIENCE

Three years of college with courses in biology, chemistry, and mathematics, plus 1 year of training in a school of medical technology approved by the American Society of Clinical Pathologists.

Must be [illegible]
of the Amer[illegible]
Some States [illegible]
[illegible]

Aptitudes: [illegible]
standard for [illegible]
tests.

Form [illegible]
microscopic study.

Color discrimination [illegible]
shades and [illegible]

Interests: A preference [illegible]
perform a great variety [illegible]
latest innovations in methods.

A preference for activities [illegible]
and techniques in performing [illegible]

Temperaments: Keen [illegible]
able criteria in the performance [illegible]

Laboratory testing requires [illegible]
out according to established [illegible]

Physical Demands and [illegible]: [illegible]
carries relatively light laboratory
specimens.

Reaches for handles, [illegible]
equipment, and laboratory [illegible]

Near-visual acuity required [illegible]
specimens.

Color vision required to [illegible]
used [illegible] specimens.

Works inside. Exposed [illegible]
to odorous chemicals and [illegible]

JOB REL

Workers supervised: MEDICAL
supervise LABORATORY AIDE.

Supervised by: MEDICAL TECH
GIST.

Promotion from: No formal [illegible]

Promotion to: MEDICAL TECHN

PROFESSION

American Society of Medical [illegible]
Suite 25, Hermann Professional Bl
Houston, Tex. 77025

Clinical Laboratories Department Biochemistry Technologist 078.281

BIOCHEMISTRY TECHNOLOGIST

medical technologist, biochemistry
urinalysis technician

JOB DUTIES

Performs chemical tests on body fluids and exudates from hospital patients to provide information for diagnosing and combating infectious diseases:

Receives patient specimens, such as urine, blood, spinal fluid, and gastric juices, or collects specimens directly from patient. Centrifuges speciman to separate cells and sediment from serum or supernatant fluids. Adds specific quantities of reagents or solutions to body specimens and heats, filters, or shakes solutions according to prescribed procedures. Notes appearance, change of color, or resulting precipitate or examines results by means of photometer, spectograph, colorimeter, and microscope to identify chemical composition and concentrations and to observe processes of change. Titrates specimen samples against standard reagents to make quantitative determinations. Calculates and tabulates results, and makes reports of observations.

Performs other qualitative and quantitative tests using titration apparatus, centrifuge, incinerator-furnace, filters, shakers, pH meter, and microgasometer. Notes readings of machine registers on work sheets and logs. Examines graph tracings made by machine analyzers to locate or plot test values. Calculates test findings, using mathematical formulas, conversion tables, and slide rule. Posts test findings to laboratory tickets, logbooks, and quality control records.

Performs a number of specific tests: Tests urine for determination of sugar and albumin content, alkalinity, and presence of acetone bodies, blood, bile derivatives, Bence-Jones protein, sulfonamides, uric acids, and various drugs and poisons. Adds specific reagents to urine samples which act as indicators, and notes change of color or appearnce of precipitates. Makes quantitative determinations by comparing resultant colors against standards, or by making simple calculations based on quantity of reagent or sample used to obtain specific color. May detect presence of blood by means of a spectroscope. Centrifuges urine and examines resultant sediments under a microscope to detect presence of various types of cell bodies. Determines specific gravity of urine, using a urinometer, and notes general odor, color, and turbidity of sample. Tests blood to determine urea nitrogen, carbon dioxide, sulfonamides, calcium, iron, chlorides, creatinine, uric acid, phosphorous content, and glucose tolerance. Tests gastric contents for free and total acidity and occult blood; spinal fluid for chlorides, globulin, and total proteins; and feces for bile, occult blood, and urobilinogen. Tests for presence of vitamins and hormones, using established chemical procedures

or by observing their effect on test animals under experimental conditions. May test purity, alkalinity, and total solid contents of water, milk, and food products.

The duties of biochemistry technician may be combined with this job; it is also frequently combined with that of BIOCHEMIST.

MACHINE, TOOLS, EQUIPMENT, AND WORK AIDS

Centrifuge, chemical glassware, colorimeter, logbook, laboratory equipment, microgasometer, pohotometer, reports, spectrograph, and urinometer.

EDUCATION, TRAINING, AND EXPERIENCE

Three years of college with courses in biology, chemistry, and mathematics, plus 1 year of training in a school of medical technology approved by the American Society of Clinical Pathologists.

Must be registered as a Medical Technologist by the Registry Board of the American Society of Clinical Pathologists.

Some States require a license issued by the State Board of Health in order to practice.

Worker will usually receive 3 to 6 months' on-the-job training by the BIOCHEMIST to become familiar with procedures and practices of hospital.

WORKER TRAITS

Aptitudes: Verbal ability required to use and understand medical terminology and to prepare written reports in technical language.

Numerical ability required to calculate by formula the strength of unknown samples; convert machine readings to reportable data; and use slide rule to calculate test results.

Form perception required to examine specimens for changes in appearance and to observe precipitates.

Finger dexterity required to manipulate test tubes, pipettes, and similar small objects during performance of tests.

Interests: A preference for scientific and technical activities to perform qualitative and quantitative analyses of specimens for use in diagnosing and combating infectious diseases.

A preference for activities carried on in relation to processes and techniques to perform tests.

Temperaments: Performance of tests involves the capability to evaluate information against measurable criteria.

Worker must adhere to rigid medical standards in performing tests.

Physical Demands and Working Conditions: Work is light. Lifts and carries laboratory equipment and supplies.

Reaches for, handles, and fingers test equipment.

Near-visual acuity necessary to read test instruments and to plot and calculate test results.

Color vision required to detect color changes when testing specimens.

Works inside. Subject to danger of infection from disease-bearing specimens. Exposed to odorous chemicals and specimens.

Clinical Laboratories Department Blood Bank Technologist 078.281

BLOOD BANK TECHNOLOGIST

medical technologist, blood bank

JOB DUTIES

Collects, tests, and stores blood, administers transfusions, and maintains records of blood donations or transfusions. Supervises or performs the following procedures of a blood bank:

Schedules donor's appointments to maintain adequate supply of various types of blood. Confers with donor to obtain medical history data required as safeguard against collecting diseased or otherwise unusable blood. Takes donor's temperature, blood pressure, and pulse, following specified procedures and records data. Cleans area of puncture site with disinfectants and distends vein, using rubber tourniquet. Inserts needle on one of disposable siphon tube into patient's medical-cubital vein, following strict procedures of asepsis and antisepsis to avoid infection of patient and contamination of blood being obtained. Inverts bottle and opens clamp on tube to allow siphoning process to begin. Shakes bottle to assure that blood mixes with anticoagulant mixture placed in bottle, or turns switch of electric-powered shaking device. Observes donor during entire procedure to detect signs of reaction. Notifies physician or nursing personnel if complications arise. Fills blood bottle and test tubes used for performance of blood tests. Unhooks donor and observes him throughout his immediate convalescence to verify his strength and color. Posts data to record donation of blood into log. May take blood samples from patients by piercing finger or ear lobe.

Groups or types blood by mixing red cells of person to be typed with typing serums, noting whether clumping of cells occurs. Prepares and examines microscopic test slides to determine the blood group of donor or patient, using pipette and microscope. Verifies the blood group of patient or donor by back-typing the blood samples, using microscope. Cross-matches blood to determine compatibility. Identifies antibodies in donors' or patients' blood that could react adversely during transfusion and cause harm to the person receiving the transfusion. Performs tests for syphillis and sterility. Records all tests results in log. Files transfusion slips and enters data pertaining to the transfusion into the log.

Processes blood plasma for future use in blood transfusion: Separates plasma from red blood cells, using centrifuge machine and separating devices.

Prepares solutions and reagents in accordance with standard formulas. Maintains written records of tests performed and keeps inventory of blood bank. Inspects stored blood to detect signs of spoilage, and removes spoiled blood for discard. Retests donor and recipient blood after adverse transfusion reaction to determine and record for study by PATHOLOGIST the possible cause for this reaction.

MACHINES, TOOLS, EQUIPMENT, AND WORK AIDS

Centrifuge, glass slides, indicator solutions, labels, logbook, microscope, reagents, test equipment, tourniquet, transfusion equipment.

EDUCATION, TRAINING, AND EXPERIENCE

Three years of college with a major in biology, chemistry, and mathematics; 1 year of training and study in a school approved by the American Society of Clinical Pathologists; plus 1 additional year of study and training in a school approved by the American Association of Blood Banks.

Must be registered as a Medical Technologist by the Registry Board of the American Society of Clinical Pathologists.

Some States require a license issued by the State Board of Health in order to practice.

WORKER TRAITS

Aptitudes: Verbal ability required to use and understand medical terminology for preparing written reports in technical language and for periodic review of test instructions and literature.

Numerical ability required to calculate by formula the strength of unknown serum samples.

Form perception required to recognize details in cell structure under microscope and to make visual comparisons and color discriminations in performing blood tests and microscopic examinations.

Interests: A preference for working with things in a technical context is required, to collect, test, store, and administer blood as prescribed.

A preference for activities that are carried on in relation to processes and techniques, such as conducting blood tests and transfusions.

Temperaments: The worker must be accurate to evaluate the test samples against known criteria to determine the exact nature of the sample.

Capable of precise attainment of set standards in conducting tests and transfusions. Accuracy of testing and recording test results is of vital importance. Must have stamina when faced with numerous emergency situations.

Physical Demands and Working Conditions: Work is light. Worker stands for greater part of working day.

Lifts and carries laboratory equipment weighing up to 10 pounds.

Reaches for, handles, and fingers blood bank apparatus and laboratory equipment.,

Talking and hearing essential to receive instructions from supervisor and to give instructions to blood donors.

Near-visual acuity required to preceive minute particles and details in blood when testing.

Color discrimination required to detect reactions during tests and for daily examination of stored blood.

Works inside. Worker is frequently exposed to diseases from handling diseased blood specimens. Exposed to odorous chemicals.

419A

DEFENDANT'S EXHIBIT D

DEFENDANT'S EXHIBIT
D
NO. 75 C 291

DICTIONARY

OF

OCCUPATIONAL TITLES

1965

Volume I

DEFINITIONS OF TITLES

Third Edition

U.S. DEPARTMENT OF LABOR
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MANPOWER ADMINISTRATION
Bureau of Employment Security
Robert C. Goodwin, Administrator

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...ing defects, using meters such as voltmeter, ...meter, and capacity meter. Makes adjustments, ...mounts machines for repairs or replacement of ... using handtools. May make temporary or ...ency repairs with improvised parts or sections. ...s may be performed by CENTRAL-OFFICE RE-...ANIC.

...HANIC, INDUSTRIAL TRUCK (any ind.) ...ial truck repairman. Repairs and maintains ...ric, diesel, and gasoline industrial trucks, following ...ls, and using handtools, power tools, and knowl-...of electrical, power transmission, brake, and other ...motive systems. Reads job order and observes ...s to truck in operation to determine malfunction ...d to plan work procedures. Installs new ignition ...ems, aligns front wheels, changes or recharges bat-...es, and replaces transmissions and other parts, using ...dtools. Overhauls gas or diesel engines, using ...chanic's handtools, welding equipment, standard ...ts, and hoists. Examines protective guards, loose ...ts, and specified safety devices on trucks, and makes ...stments, using handtools. Lubricates moving ...s and drives repaired truck to verify conformance ...specifications. May fabricate special lifting or towing ...chments, hydraulic systems, shields, or other devices ...ording to blueprints or schematic drawings.

MECHANIC, MARINE ENGINE (water trans.) *see* ENGINEER.

MECHANIC, MASTER, ENGINEERING RESEARCH (aircraft mfg.) *see* EXPERIMENTAL MECHANIC II.

MECHANIC, TROUBLE-SHOOTING (auto. ser.) *see* AUTOMOBILE-REPAIR-SERVICE SALESMAN.

MECHANISM ASSEMBLER (clock & watch) 715.884. Assembles parts of watch winding and setting mechanism to pillar plate. Positions clutch lever, clutch-lever spring, setting wheel, and minute wheel on plate, observing minute parts with aid of loupe and handling parts with tweezers. Places yoke over parts, securing it in place with screws. May place drop of oil between clutch and winding pinion, using oil-filled hypodermic syringe.

MECHANISM INSPECTOR (clock & watch) 715.287. Inspects assembled watch winding and setting mechanism. Moves stem in and out to determine that it clicks into winding and setting positions, and turns stem in each position to test for ease of winding and setting. Tests barrel for endshake (vertical play) by moving barrel up and down with tweezers, estimating from experience whether shake is within acceptable limits. Examines movement with aid of loupe for scratches and presence of dirt.

MEDALLION CUTTER (embroid.) *see* CUTTER, STAMP (any ind.) IV.

MEDALLION PAINTER (any ind.) *see* STAMP FILLER.

MEDIA CLERK (bus. ser.) 219.388. Keeps record of clients' advertising schedules for advertising agency. Computes cost of space allotment and advertising program from standard rates and data. Records media used, such as newspapers and magazines, and expenses. Types contract after receiving client's approval. Determines cost of advertising space in various media in other areas, considering such factors as size and population of city, space rates, and kind and frequency of publication for comparison.

MEDICAL-APPARATUS MODEL MAKER (inst. & app.) 712.281. Constructs, analyzes, and adjusts electromechanical models of precision electronic medical equipment, such as heart stimulators, animal resuscitators, and radiotherapy devices, following mechanical prints and schematic diagrams, using metalworking ...and electronic testing equipment. Operates punch press, lathe, and drill press to modify standard ... mechanical prints, schematic ... specified electronic components, such as ... capacitors. Secures hardware, ... clamps, power plugs, ... control knobs, to chassis, using ... Solders electronic ... and to controls in ... Tests device for ... and oscilloscope. Consults ... (profess. & kin.) for ... or changes components, hardware, wiring, or chassis as indicated by analysis.

MEDICAL ASSISTANT (medical ser.) 079.368. Performs following duties under direction of PHYSICIAN in examination and treatment of patients: Prepares treatment rooms for examination of patient. Drapes patients with covering and positions instruments and equipment. Hands instruments and materials to PHYSICIAN as directed. Sterilizes and cleans instruments. Prepares inventory of supplies to determine items to be replenished. Interviews patients and checks pulse, temperature, blood pressure, weight, and height. May operate equipment, give injections or treatments, and assist in laboratory. May schedule appointments, receive money for bills, and keep X-ray and other medical records.

MEDICAL BACTERIOLOGIST (profess. & kin.) *see under* MICROBIOLOGIST.

MEDICAL CLERK (medical ser.) *see* HOSPITAL-ADMITTING CLERK *under* RECEPTIONIST (clerical).

MEDICAL EXAMINER (gov. ser.) *see* CORONER.

MEDICAL-FEE CLERK (insurance) *see* MEDICAL-VOUCHER CLERK *under* BOOKKEEPER (clerical) II.

MEDICAL ILLUSTRATOR (medical ser.) 141.681. artist, scientific. Makes sketches and constructs tridimensional models to illustrate surgical and medical research procedures, anatomical and pathological specimens, unusual clinical disorders, micro-organisms, and plant and animal tissues. Develops drawings, paintings, diagrams, and models illustrating medical findings for use in publications, exhibits, consultations, and research and teaching activities. Completes illustrations in pen and ink, monochromatic wash, watercolor, carbon dust, and mixed media. Constructs, or advises in construction of teaching models in plaster, wax, plastics, and other materials. Devises visual aids to assist in interpreting research programs. May specialize in illustrations in a particular medical field. May specialize in drawings of plant and animal tissues and be designated as HISTOLOGICAL ILLUSTRATOR.

MEDICAL-INSTRUMENT-CABLE FABRICATOR (inst. & app.) 712.884. Fabricates electrical cables for medical instruments, such as esophagial catheters and electronic heart stimulators, following mechanical prints. Strips insulation from ends of coaxial cables, using stripping pliers. Crimps welding tabs with pliers to attach heart electrodes to wires. Places tab between electrodes of spot welder and pulls lever or depresses pedal to spot-weld heart electrodes to wire. Solders color-coded cable wires to multipin connectors, electrodes, and thermistor of catheter assembly, using needle-nose pliers and soldering iron. Places electrical cable assemblies in molds and pours plastic insulating compound over assemblies. Places filled molds in oven for specified time to cure plastic insulation or sets molds filled with air-setting plastic aside to harden. Cuts silicon plastic insulating tubing to specified lengths and immerses them in liquid solvent which expands diameter of tubing. Forces expanded tubing over cable assemblies and sets them aside to dry and contract for tight fit. Inspects insulation for bubbles, breaks, and holes. Tests wiring for continuity, using ohmmeter. May tend engine and jewelers' lathes and punch press to cut electrodes and to stamp out welding tabs.

MEDICAL-LABORATORY ASSISTANT (medical ser.) 078.281. medical technician. Performs routine tests in medical laboratory for use in treatment and diagnosis of disease. Prepares tissue samples for PATHOLOGIST, takes blood samples, and prepares vaccines. Executes such laboratory tests as urinalyses and blood counts, using microscopes, micrometers, and similar instruments. Makes quantitative and qualitative chemical and biological analyses of body specimens, under supervision of MEDICAL TECHNOLOGIST or PATHOLOGIST. May be designated according to field of specialization as BLOOD-BANK TECHNICIAN; CYTOTECHNICIAN; HEMATOLOGY TECHNICIAN; SEROLOGY TECHNICIAN; TISSUE TECHNICIAN.

MEDICAL LIBRARIAN (library) *see* LIBRARIAN, REFERENCE LIBRARY.

MEDICAL OFFICER (gov. ser.) 070.108. Plans and participates in medical care or research program in hospital, clinic, or other public medical facility. Provides medical care for eligible persons, and institutes program of preventive health care in county, city, or other government or civic division. Gives vaccinations, imposes quarantines, and establishes sanitary and other health standards for hospitals, restaurants, and other public places. May conduct research in a particular area of medicine to aid in cure and control of disease. May have responsibility for health services of county and be designated as HEALTH OFFICER, COUNTY.

MEDICAL PARASITOLOGIST (profess. & kin.) *see* PARASITOLOGIST.

MEDICAL PATHOLOGIST (medical ser.) *see* PATHOLOGIST.

MEDICAL PHOTOGRAPHER (medical ser.) *see* BIOLOGICAL PHOTOGRAPHER (profess. & kin.).

MEDICAL PHYSIOLOGIST (profess. & kin.) *see under* PHYSIOLOGIST.

MEDICAL-RECORD CLERK (medical ser.) 249.388. coding clerk. Classifies medical records of hospital patients and compiles statistics for use in reports and surveys. Keeps daily statistical record of information, such as admissions, discharges, deaths, births, and types of treatment rendered, using records, such as admission and discharge slips and medical charts.

MEDICAL-RECORD LIBRARIAN (medical ser.) 100.288. hospital-records librarian. Compiles and maintains medical records of hospital and clinic patients. Reviews clinical records for completeness and contacts medical personnel to obtain missing data. Codes, indexes, and files records of diagnoses, diseases, and treatments. Compiles statistics, such as reports on admissions, births, deaths, transfers, and discharges. Releases medical information to staff and authorized governmental agencies, insurance companies, physicians, hospitals, and medical information and research centers. May brief and transcribe records. May testify in court to authenticate medical records. May be registered with American Association of Medical Record Librarians, and be known as REGISTERED RECORD LIBRARIAN.

MEDICAL SECRETARY (clerical) *see under* SECRETARY.

MEDICAL STENOGRAPHER (clerical) *see* STENOGRAPHER.

MEDICAL-STATEMENT APPROVER (insurance) *see* UNDERWRITER.

MEDICAL-SUPPLY CLERK (medical ser.) 223.887. Assembles, cleans, and packs hospital supplies, such as thermometers, needles, and treatment trays, for doctors, nurses, and technicians. Gathers used supplies from hospital floors and returns them to central supply department. Cleans used supplies, such as thermometers, syringes, and needles in cleaning solutions. Assembles and packs diagnostic and treatment trays. Assembles and wraps surgical gloves prior to sterilization. Refills dressing carts. May dispense and deliver supplies. May perform other duties as assigned.

MEDICAL TECHNICIAN (medical ser.) *see* MEDICAL LABORATORY ASSISTANT.

MEDICAL TECHNOLOGIST (medical ser.) 078.281. Performs chemical, microscopic, and bacteriologic tests to provide data for use in treatment and diagnosis of disease. Receives specimens from laboratory, or obtains such body materials as urine, blood, pus, and tissue directly from patient, and makes quantitative and qualitative chemical analyses [BIOCHEMISTRY TECHNOLOGIST]. Cultivates, isolates, and identifies pathogenic bacteria, parasites, and other micro-organisms [MICROBIOLOGY TECHNOLOGIST]. Cuts, stains, and mounts tissue sections for study by PATHOLOGIST. Performs blood tests and transfusions, studies morphology of blood, and prepares vaccines and serums. Groups or types blood and crossmatches that of donor and recipient to ascertain compatibility. Determines basal metabolism rate. Engages in medical research to further control and cure disease. May calibrate and use equipment designed to measure glandular and other bodily activity [RADIOISOTOPE TECHNOLOGIST]. May take electrocardiograms. May train and supervise MEDICAL-LABORATORY ASSISTANT and student MEDICAL TECHNOLOGISTS [MEDICAL TECHNOLOGIST, TEACHING SUPERVISOR]. May be designated according to field of specialization as BLOOD-BANK TECHNOLOGIST; HEMATOLOGY TECHNOLOGIST; SEROLOGY TECHNOLOGIST.

MEDICAL TECHNOLOGIST, BACTERIOLOGY (drug, prep. & rel. prod.; medical ser.) *see* MICROBIOLOGY TECHNOLOGIST.

MEDICAL TECHNOLOGIST, CHEMISTRY (medical ser.) *see* BIOCHEMISTRY TECHNOLOGIST.

MEDICAL TECHNOLOGIST, CHIEF (medical ser.) 078.168. Supervises and coordinates activities of workers engaged in performing chemical, microscopic, and bacteriologic tests to obtain data for use in diagnosis and treatment of diseases. Assigns workers to duties, and supervises performance of tests in fields of bacteriology, biochemistry, histology, hematology, or serology. Reviews reports of completed analyses. May lecture students and prepare, administer, and score tests.

074 [illegible]	418	Profess. & [illegible]
074 [illegible]	484	Medical Ser.
074 [illegible]	487	Gen. Ser.
075.118	487	Medical Ser.
075.118	487	Medical Ser.
075.118	487	Medical Ser.
075.118	487	Medical Ser.
075.118	487	Medical Ser.
075.118	487	Medical Ser.
075.128	483	Education
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075.378	477	Medical Ser.
075.378	477	Medical Ser.
075.378	477	Medical Ser.
075.378	447	Medical Ser.
075.378	447	Medical Ser.
075.378	466	Profess. & K[illegible]
077.064	247	Profess. & K[illegible]
077.118	483	Profess. & K[illegible]
077.128	483	Profess. & K[illegible]
077.128	483	Profess. & K[illegible]
077.128	483	Profess. & K[illegible]
077.128	245	Profess. & K[illegible]
077.168	245	Profess. & K[illegible]
077.168	245	Profess. & K[illegible]
077.168	483	Medical Ser.
078.128	475	Medical Ser.
078.168	475	Medical Ser.
078.168	418	Drug. Prep. [illegible] Prod.; Me[illegible] Ser.
078.234	418	Medical Ser.
078.234	418	Medical Ser.
078.234	418	Medical Ser.
078.31	477	Medical Ser.
078.36	477	Medical S[illegible]
078.36	477	Medical S[illegible]
078.36	477	Medical S[illegible]
078.36	477	Profess. & [illegible]
078.36	477	Surgical [illegible]
078.41	418	Medical S[illegible]
078.41	418	Medical S[illegible]
078.41	418	Medical S[illegible]

BEST COPY AVAILABLE

GENERAL EDUCATIONAL DEVELOPMENT

Level	Reasoning Development	Mathematical Development	Language Development
6	Apply principles of logical or scientific thinking to a wide range of intellectual and practical problems. Deal with nonverbal symbolism (formulas, scientific equations, graphs, musical notes, etc.) in its most difficult phases. Deal with a variety of abstract and concrete variables. Apprehend the most abstruse classes of concepts.	Apply knowledge of advanced mathematical and statistical techniques such as differential and integral calculus, factor analysis, and probability determination, or work with a wide variety of theoretical mathematical concepts and make original applications of mathematical procedures, as in empirical and differential equations.	Comprehension and expression of a level to— —Report, write, or edit articles for such publications as newspapers, magazines, and technical or scientific journals. Prepare and draw up deeds, leases, wills, mortgages, and contracts. —Prepare and deliver lectures on politics, economics, education, or science. —Interview, counsel, or advise such people as students, clients, or patients, in such matters as welfare eligibility, vocational rehabilitation, mental hygiene, or marital relations. —Evaluate engineering technical data to design buildings and bridges.
5	Apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions. Interpret an extensive variety of technical instructions, in books, manuals, and mathematical or diagrammatic form. Deal with several abstract and concrete variables.		
4	Apply principles of rational systems [1] to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Interpret a variety of instructions furnished in written, oral, diagrammatic, or schedule form.	Perform ordinary arithmetic, algebraic, and geometric procedures in standard, practical applications.	Comprehension and expression of a level to— —Transcribe dictation, make appointments for executive and handle his personal mail, interview and screen people wishing to speak to him, and write routine correspondence on own initiative. —Interview job applicants to determine work best suited for their abilities and experience, and contact employers to interest them in services of agency. —Interpret technical manuals as well as drawings and specifications, such as layouts, blueprints, and schematics.
3	Apply common sense understanding to carry out instructions furnished in written, oral, or diagrammatic form. Deal with problems involving several concrete variables in or from standardized situations.	Make arithmetic calculations involving fractions, decimals, and percentages.	Comprehension and expression of a level to— —File, post, and mail such material as forms, checks, receipts, and bills. —Copy data from one record to another, fill in report forms, and type all work from rough draft or corrected copy.
2	Apply common sense understanding to carry out detailed but uninvolved written or oral instructions. Deal with problems involving a few concrete variables in or from standardized situations.	Use arithmetic to add, subtract, multiply, and divide whole numbers.	—Interview members of household to obtain such information as age, occupation, and number of children, to be used as data for surveys or economic studies. —Guide people on tours through historical or public buildings, describing such features as size, value, and points of interest.
1	Apply common sense understanding to carry out simple one- or two-step instructions. Deal with standardized situations with occasional or no variables in or from these situations encountered on the job.	Perform simple addition and subtraction, reading and copying of figures, or counting and recording.	Comprehension and expression of a level to— —Learn job duties from oral instructions or demonstration. —Write identifying information, such as name and address of customer, weight, number, or type of product, on tags or slips. —Request orally, or in writing, such supplies as linen, soap, or work materials.

[1] Examples of "principles of rational systems" are: Bookkeeping, internal combustion engines, electric wiring systems, house building, nursing, farm management, stop saining.

IDENTIFICATION KEY

This key is provided to aid users in identifying the numerals and letters in the physical demands, working conditions, and training time columns in the text. It may be removed and kept handy for ready reference.

PHYSICAL DEMANDS

1—Strength (Lift, Carry, Push, Pull):

		Maximum Lift	*Frequent Lift/Carry*
S	Sedentary	10 lbs.	
L	Light	20 lbs.	Up to 10 lbs. [1]
M	Medium	50 lbs.	Up to 25 lbs.
H	Heavy	100 lbs.	Up to 50 lbs.
V	Very Heavy	Over 100 lbs.	Over 50 lbs.

2—Climb and Balance
3—Stoop, Kneel, Crouch, Crawl
4—Reach, Handle, Finger, Feel
5—Talk, Hear
6—See (Acuity, Depth Perception, Field of Vision, Accommodation)

WORKING CONDITIONS

I Inside (75% or more)
O Outside (75% or more)
B Both

2—Extremes of Cold Plus Temperature Changes
3—Extremes of Heat Plus Temperature Changes
4—Wet and Humid
5—Noise and Vibration
6—Hazards
7—Fumes, Odors, Toxic Conditions, Dust, Poor Ventilation

SPECIFIC VOCATIONAL PREPARATION

9—Over 10 years
8—4 to 10 years
7—2 to 4 years
6—1 to 2 years
5—6 months to 1 year
4—3 to 6 months
3—30 days to 3 months
2—Short Demonstration—30 days
1—Short Demonstration only

[1] Includes walk/stand a/o push/pull of arm/leg controls.

DEFENDANT'S EXHIBIT E 124A

DEFENDANT'S EXHIBIT E NO. 75-291

RESOLUTION NO. 1063 - 1968

A RESOLUTION CONCURRING IN THE NASSAU COUNTY CIVIL SERVICE COMMISSION'S PERMITTING CERTAIN EMPLOYEES TO TAKE EXAMINATIONS FOR COMPETITIVE CLASS POSITIONS; PURSUANT TO THE CIVIL SERVICE LAW AND THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY.

(Passed by Board of Supervisors on DEC - 9 1968. Voted for 115; votes against, none. Became a resolution on DEC 1968 with the approval of the County Executive.)

WHEREAS, the County of Nassau, on July 7, 1967, by Ordinance No. 175/1967, established a new Graded Service Salary Plan and certain titles and grades in the service of the County of Nassau; and

WHEREAS, Section 6 of said Ordinance provided that the County Executive in conjunction with the Nassau County Civil Service Commission allocate the employees to their new titles and grades under the plan set forth in the Ordinance; and

WHEREAS, such actions were taken; and

WHEREAS, the Nassau County Civil Service Commission on January 25, 1968 resolved that an incumbent of a position allocated to a Competitive Class title in the County Service because of the Cresap-McCormick-Paget reclassification survey recommendations adopted by it, who had served at least one (1) year prior to July 7, 1967, and was required to participate in an examination, would be deemed qualified and admitted to the

next examination for his new title regardless of the announced training and experience requirements, but that for ensuing examinations it would be necessary for him as well as all other candidates to meet the qualification requirements of the test announcements; and

WHEREAS, the Nassau County Civil Service Commission has requested the County of Nassau's assent to such action; now, therefore, be it

RESOLVED, that the County of Nassau concurs in the action of the Nassau County Civil Service Commission.

APPROVED

DEC 9 - [illegible]

EUGENE H. NICKERSON

County Executive

WSN:bf

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

----------X

MARGARET TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY MEDICAL CENTER,
et al.,

Defendants.

----------X

STIPULATION

Index #76-7003

IT IS HEREBY STIPULATED AND AGREED by and between the respective attorneys herein that the plaintiff's exhibits with the exception of Plaintiff's Exhibits 7 ~~and 12~~ are necessary for this appeal and are included herein.

not for Performance Review 12/13/71 & Termination Form 1/3/72-13 HWS

IT IS FURTHER STIPULATED AND AGREED that Defendants' Exhibits A through E are necessary for this appeal and are included herein.

Dated: Mineola, New York
April 6, 1976

Spizz 7 McEvily
Attorneys for Plaintiff

James M. Catterson, Jr.
County Attorney of Nassau County
Attorney for Defendants

REMAND OF UNITED STATES COURT OF APPEALS.

United States Court of Appeals

FOR THE

SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the 21st day of June one thousand nine hundred and seventy-six

Present:

HONORABLE HENRY J. FRIENDLY

HONORABLE WILFRED FEINBERG

HONORABLE ELLSWORTH A. VAN GRAAFEILAND

Circuit Judges,

MARGARET TOWNSEND,

Plaintiff-Appellee,

-against-

NASSAU COUNTY MEDICAL CENTER, et al.,

Defendants-Appellants.

No. 76-7003

REMAND OF UNITED STATES COURT OF APPEALS

Appeal from the United States District Court for the Eastern District of New York

This cause came on to be heard on the transcript of record from the United States District Court for the Eastern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is now hereby ordered, adjudged, and decreed that the judgment of said District Court be and it hereby is vacated and the case is remanded for reconsideration in the light of Washington v. Davis, 44 U.S.L.W. 4789 (U.S. June 7, 1976), particularly Part III thereof.

Warren Burger
Chief Justice

Clerk of the Supreme Court
U.S.C.A.

MEMORANDUM AND ORDER OF JUDGE WEINSTEIN, DATED JULY 12, 1976.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

MARGARET TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY MEDICAL CENTER. et al..

Defendants.

X

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.
★ JUL 12 1976 ★
TIME A.M.
P.M.

MEMORANDUM AND ORDER

75 C 294

Appearances:

SPIZZ & McEVILY, Esqs.
Attorneys for Plaintiff

By: HARVEY SPIZZ, Esq.
Community Legal Assistnace Corp.
73 Main Street
Hempstead, New York 11550

JOHN F. O'SHAUGHNESSY, Esq.
County Attorney for Nassau County
Attorney for the Nassau County Defendants

By: JAMES N. GALLAGHER, Esq.
Deputy County Attorney
Nassau County Executive Building
Mineola, N.Y. 11501

WEINSTEIN, D.J.

MEMORANDUM AND ORDER OF JUDGE WEINSTEIN, DATED JULY 12, 1976

In view of the remand of the Court of Appeals following the decision of the Supreme Court in Washington v. Davis, 44 U.S.L.W. 4789. the case is set down for argument on September 24, 1976 at 10:30 A.M. The parties should submit briefs at least two weeks before this date and reply briefs at least one week before this date.

The Clerk of the Court will send copies of this Memorandum and Order to counsel.

So ordered.

Dated: Westbury, New York
July 7, 1976

Jack B. Weinstein
U.S.D.J.

MINUTES OF HEARING AND ARGUMENT, SEPTEMBER 24, 1976.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

----------x

MARGARET TOWNSEND :

- against - 75 C-294

NASSAU COUNTY MEDICAL CENTER :

----------x

United States Courthouse
Brooklyn, New York
September 24, 1976

B e f o r e :

HONORABLE JACK B. WEINSTEIN, U.S.D.J.

Steven A. Tessler
Acting Official Court Reporter

Appearances:

DONNA CLEAR ESQ.,
and
SUSAN KLUEMER, ESQ.,
For Plaintiff

JAMES GALLAGHER, ESQ.,
For Defendant.

SUSAN KLUEWER: Do you want to hear the defendant first?

THE COURT: Because in fact it is their motion for reargument based on the remand of the Second Circuit.

MR. GALLAGHER: Washington against Davis Number 396 Supreme Court 2040 1976.

Does your Honor want to hear argument as on the other part of Washington against Davis about the prima facie case of discrimination, also you want me to restrict it to Part III?

I'll briefly say something about the fact that in my opinion Washington v. Davis is further supported for our position that the defendants in the case did not make out a prima facie case of discrimination by submitting statistics on census which indicates more whites had college degrees on a percentage basis than more blacks. On Washington against Davis, although it was a 1973 case, the Court stated that statistics alone were not sufficient enough to make out a prima facie case of racial discrimination of employment and they said you had to show an intent to discriminate. I think they did draw a distinction in Title 7 and --

THE COURT: With all due respect every man says, "Of said District Court be, and hereby is vacated and

the case is remanded for reconsideration in light of Washington v. Davis citation particularly Part III thereof,"and that is all that I am going to do.

MR. GALLAGHER: Part III dealswith the question of established job related --

THE COURT: It doesn't preclude the other parts, but I don't think they would have said that if they wanted me to consider the whole case.

MR. GALLAGHER: And the Court in Washington against Davis specifically stated in a footnote 130, I believe, that there is no one single form of appropriately available dating employment qualifications or tests, and that I think it's clear from reading the decision that the Court specifically held that you don't have to show predictive validation in order to establish job relativeness and also the centers always went so far to say that they believe that the majority opinion was saying you don't have to file the EEOC Guidelines. It's myposition in light of that that we did not have to show predictive validation in the trial of Margaret Townsend and to show job relatedness through some other form was appropriate and I think we establish content validation here we submitted evidence that the qualifications in question was first involved after a formal

validation study by Cresip, McCormick and Crasset in conjunction with the County of Nassau.

We also established that in that validation study we sent out written questionnaires of employees at the Medical Center including the plaintiff, there were oral interviews conducted of people working in a job of medical technologists, one in which they were asked what duties they performed and what requirements they felt were necessary for the job. The written questionnaires were also filled out by the supervisors who recommended that a college degree be required and we also submitted proof that comparable jobs in other jurisdictions such as the City of New York, State of New York, and the Federal Government required a college degree for this kind of work. It's also worthy of note I think that is something I believe the Court didn't consider in the original decision, is that the position of medical technologists one was not only a position in the blood bank of the Nassau County Medical Center, but also in other laboratories such as hematology and chemistry.

THE COURT: I did have that in mind, I was aware of that, the evidence showed it, it also showed that people were not transferred between and among these

laboratories.

MR. GALLAGHER: Well, I don't -- I think it might have showed that people had not been transferred up to that point, but there is, was nothing to preclude a transfer if the need arose.

THE COURT: There was trained specialties, and for specialties alone. The evidence is quite clear on that.

MR. GALLAGHER: I also believe that another factor that enters into the establishing of job relatedness is 29, CHR1607.5C2, and then iii in which it's stated that to paraphrase it, basically, if you're dealing with a situation involving either a great economic problem or one of life and death that the burden upon the defendant is not as great to establish the job relatedness of the particular employment, here the college degree. In light of the decision of Washington against Davis as well as this, we met our burden and the Court should reverse its previous decision.

THE COURT: I have read briefs on both sides of course you can assume that. I'll hear you.

MS. CLEAR: Your Honor, it's respectfully submitted that Washington v. Davis does not change the defendants duty to approve validation of the job requirement.

In Washington, the Court examined the District Court finding the test 21 was directly related to the requirement job skills, training program that was specific validation, it's and the District Court said that the defendants were not required to show validation which between the test 21 and the performance on the job, this promoted the descent to make the remarks that they believe that perhaps Griggs and Obelmar are being overruled.

THE COURT: I don't credit that.

MS. CLEAR: If I might point out I think the incident overlooked a major factor.

THE COURT: You don't have to argue it. I don't credit that law.

You don't have to argue that point, I don't credit it.

MS. CLARE: Because Washington did not change the defendants initial burden of validating of the Nassau County Medical Center wasrequired to come forth and show validation of job performance or Washington with the job skills training program. We represent that the defendants did not meet their burden in any case.

As far as validation of the job requirement to

job performance, the record clearly shows that the plaintiff was a highly qualified black woman, she did not possess a college degree, she did a fine job in our position. Gene Milson and Oscar Metco did not possess a college degree, thirdly, George Davis supervisor had no college degree and finally when the Nassau County Board of Supervisors voted to allow those working in the Medical Center to take the exam, that showed there really wasn't any necessity as such for a college degree.

Since the defendants did not show validation between the college degree and performance on the job Washington would clearly require some validation on the part of the college degree and job skills training program.

However, that analysis isn't inapplicable here because there wasn't any valid job training program.

At best, there was a kind of on the job informal training program which plaintiff here is providing the training for those who had a college degree even though she did not have a college degree. Therefore, it's respectfully submitted that the Washington requirements are not met here. Furthermore defendants contend that they cite the EEOC Guideline 1607.5 and I believe the quote is the smaller the

economic employment risks in hiring unqualified applicants relative to the risks entailed the greater the relation and needs to be practically useful, I think what the EEOC regulations are saying is that less stringent requirements are required when you have a job with high economic or human risks I think this is a red herring and the p laintiff has showed hers to be a highly qualified worker and there was no evidence on the record whether or not she would have done the job any better if she had a college degree.

Furthermore, the defendants contend that this survey done by Cresit Crumb and Paggett were sufficient validation, I don't think there is any foundation in the law, Oldermeyer assails this is a supervisor's opinion on what the job requires is insufficient validation.

Therefore, I -- we submit that the findings that -- your Honor's findings in the District Court are valid and the defendants fail to validate any accepted method of validation, the college requirement and the -- it should not be set aside for the above reasons that the Court adhere to its original judgment.

THE COURT: The Court has carefully considered the briefs and argument pursuant to the remand of the

MINUTES OF HEARING AND ARGUMENT

United States Court of Appeals for the Second Circuit filed in this Court on July 8th, 1976, the Court has carefully reconsidered its finding in judgment and the light of Washington v. Davis, 96 Supreme Court 2040 grants 1976 particularly a part to be thereof. The Court confirms its findings and judgment.

You want a separate judgment?

MR. GALLAGHER: Yes, I would like a separate judgment.

THE COURT: All right, submit it by Monday. And take your time, just get them in by Monday.

* * * * * * * * * * * * *

JUDGMENT, DATED SEPTEMBER 27, 1976.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARGARET TOWNSEND,

Plaintiff,

-against-

NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent, NASSAU COUNTY CIVIL SERVICE COMMISSION, GABRIEL KOHN, Chairman; EDWARD S. MARKOWSKI, Director of NASSAU COUNTY CIVIL SERVICE COMMISSION; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ISRA H. POSNER, President of the New York State Civil Service Commission and head of the New York State Civil Service Department,

Defendant.

JUDGMENT
75 C 294

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D. N.Y.
★
SEP 28 1976
TIME A.M.....
P.M.....

This matter having been remanded by the Court of Appeals for the Second Circuit by Order dated the 21st day of June, 1976 for reconsideration, and the matter having been set down for oral argument before this Court on the 24th day of September, 1976, the plaintiff having been represented by MORELLY, GRADESS & KLUEVER, by SUSAN KLUEVER and DONNA CLEAR, Legal Intern, Community Legal Assistance Corporation, and the defendants having been represented by JAMES M. CATTERSON, JR., County Attorney of Nassau County by JAMES N. GALLAGHER, Deputy County Attorney, it is hereby

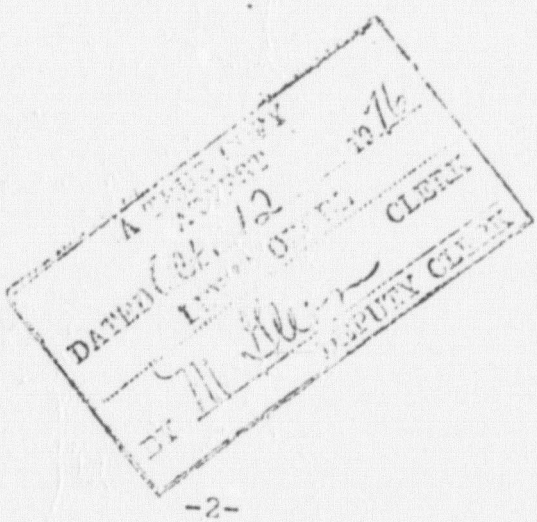
ORDERED, ADJUDGED AND DECREED that the original judgment in favor of plaintiff dated the 26th day of February,

JUDGMENT, DATED SEPTEMBER 27, 1976

1976 and heretofor entered on the 27th day of February, 1976 is in all respects confirmed ~~in the same~~ as the same is fully set forth herein.

Dated: Brooklyn, New York
September 27, 1976

United States District Court Judge



NOTICE OF APPEAL, DATED OCTOBER 18, 1976.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------X

No. 75-C-294

MARGARET TOWNSEND,

Plaintiff,

-against-

NOTICE OF APPEAL

NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent; NASSAU COUNTY CIVIL SERVICE COMMISSION; GABRIEL KOHN, Chairman; EDWARD S. WITANOWSKI, EDWARD A. SIMMONS, ADELE LEONARD, Executive Director of Nassau County Civil Service Commission; NEW YORK STATE DEPARTMENT OF CIVIL SERVICE; ESRA H. POSTEN, President of the New York State Civil Service Commission and head of the New York State Civil Service Department,

Defendants.

----------X

S I R:

NOTICE IS HEREBY GIVEN that defendants, NASSAU COUNTY MEDICAL CENTER, DR. DONALD H. EISENBERG, Superintendent; NASSAU COUNTY CIVIL SERVICE COMMISSION: GABRIEL KOHN, Chairman, EDWARD A. SIMMONS, ADELE LEONARD, Executive Director of Nassau County Civil Service Commission, hereby appeal to the United States Court of Appeals for the Second Circuit from a memorandum and order dated December 8, 1975, and a judgment dated February 26, 1976 and entered February 27, 1976, which order and judgment ordered, adjudged and decreed that the plaintiff must be re-classified as a Provisional Medical Technologist I retroactive to December 31, 1973; plaintiff is awarded the sum of $4,682.18 as and for back pay for the years 1974 and 1975; plaintiff shall

not be disqualified from taking future civil service examinations for permanent classification as Medical Technologist I by reason of her not having a college degree or certification by the American Society of Clinical Pathologists; plaintiff's counsel is awarded the sum of $2,500 as and for counsel fees, and this Court retains jurisdiction over this matter for the purpose of awarding back pay for the year 1976.

PLEASE TAKE FURTHER NOTICE that the aforesaid defendants appeal to the United States Court of Appeals for the Second Circuit from a Judgment of the United States District Court for the Eastern District dated September 27, 1976 and entered September 28, 1976, which confirmed in all respects the judgment dated February 26, 1976 and entered February 27, 1976 in the United States District Court, Eastern District, which judgment of February 27, 1976 the United States Court of Appeals for the Second Circuit had vacated and remanded on June 21, 1976, 538 F 2d 314 (2d Cir.1976).

The Nassau County defendants appeal from each and every part of said order dated December 8, 1975, and judgment entered February 27, 1976 and the judgment dated September 27, 1976 and entered September 28, 1976 of the United States District Court, Eastern District, as well as the whole thereof respectively.

Dated: Mineola, New York
October 18, 1976

NOTICE OF APPEAL, DATED OCTOBER 18, 1976

Yours, etc.,

JAMES M. CATTERSON, JR.
County Attorney

By: _____
William S. Norden
Ceputy County Attorney
Attorney for Nassau County Defendants
Nassau County Executive Building
Mineola, New York 11501
(516) 535-4406

To:

McEVILY, GRADESS & KLUEWER
Community Legal Assistance Corp.
Attorneys for Plaintiff
73 Main Street
Hempstead, New York 11550

WSN:hp

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

----------X

MARGARET TOWNSEND,

Plaintiff-Respondent,

-against-

NASSAU COUNTY MEDICAL CENTER, et al,

----------X

STIPULATION

No. 76-7522

IT IS HEREBY STIPULATED AND AGREED, by and between the respective attorneys herein that the joint appendix herein shall include all of the material printed in the joint appendix contained in the original appeal under Docket No. 76-7003.

It is hereby further stipulated and agreed, by and between the respective attorneys herein that the joint appendix herein shall include the following additional papers necessary for this appeal:

1. remand order dated June 21, 1976 of the United States Court of Appeals,
2. order of Hon. Jack B. Weinstein dated July 7, 1976 setting case down for argument for September 24, 1976,
3. minutes of hearing dated September 24, 1976 consisting of 10 pages, before the Hon. Jack B. Weinstein,
4. judgment of Hon. Jack B. Weinstein dated September 27, 1976,
5. notice of appeal dated October 18, 1976, United States Court of Appeals, Second Circuit.

Dated: Mineola, N.Y.
November 29, 1976

JAMES M. CATTERSON, JR.
County Attorney, Nassau County

McEvily, Gradess & Kluewer, Esqs.
Community Legal Assistance Corp.

Tmp (2)

Appendix

Memorandum

McCarthy, Graders, & Klimmer
Community Legal Assistance Corp

Qualifications

Ray Applin